

1 used before and it's what it says on her driver's  
2 license, but on her Social Security card and her  
3 passport, it says TiShen, because when she first  
4 immigrated to the United States, before she chose to  
5 adopt Kathy, she used the transliterated Chinese names  
6 on those documents, so a problem that arises frequently  
7 with Asian Americans is that as time passes, people do  
8 one of three things.

9 One, is that they chose to adopt a more  
10 Americanized given name to make it easier, as you said,  
11 for people to communicate, et cetera, and for  
12 documentation purposes. But two is sometimes they will  
13 alter the transliteration of their name because they  
14 learn that, because not everyone is familiar with who to  
15 transliterate names, so when they first come, they kind  
16 of give it their best shot, like what they think it  
17 sounds like in English, but then they will learn later  
18 that they actually should write it differently, et  
19 cetera.

20 REPRESENTATIVE BROWN: Can't you see that this  
21 is something that would make it a lot easier both for  
22 you and for the people who are the poll workers if there  
23 were some means by which you could adopt a name just for  
24 this poll identification purposes that was easier for  
25 the Americans to deal with?



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1 MR. COE: What I'm saying is there may be  
2 difficulty in obtaining that ID because of discrepancies  
3 between those names or because of discrepancies between  
4 the name on the ID and because it was obtained with a  
5 certain document versus the name on the polling.

6 REPRESENTATIVE BROWN: Evidently there's  
7 difficulties as is it presently exists, from what you  
8 tell me.

9 MR. COE: Yes. I mean, I think Asian American  
10 Justice Center represented several of the Asian American  
11 voters in Florida who had this problem, although a lot  
12 of times with them, the problem was, as you  
13 transliterated names being basically mangled in the  
14 course of being transcribed by government workers.

15 REPRESENTATIVE BROWN: Okay, I see a need here  
16 for young people like you, that are obviously very  
17 bright, to come up with something that would work for  
18 you and then let us see if we can't make it work for us.

19 MR. COE: Well, I think it would be a small  
20 but effective adjustment to the bill if we could allow  
21 there to be some give and take on the exact matching of  
22 the name.

23 I know that -- Gosh, I know there's actually  
24 differences between the different states that currently  
25 have voter ID laws on this. Florida, I believe, was the



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1 most stringent case where people who were literally had  
2 a hyphen their ID and there was no hyphen on the voter  
3 rolls were not allowed to vote.

4 REPRESENTATIVE BROWN: That's not just for  
5 Chinese.

6 MR. COE: That's for Korean, Chinese,  
7 Japanese. Khmer, I believe, is not written in Roman  
8 script.

9 REPRESENTATIVE BROWN: Thank you.

10 NEW SPEAKER: And let me just say that I  
11 believe Representative Hofburg has a bill in front of  
12 our committee where, that we're looking very seriously  
13 at, that would, if I understand it correctly, simply  
14 provide for the Secretary of State's office to issue  
15 some sort of rules and clarifications to create some  
16 sort of standardization to ensure that slight  
17 mis-spellings in what would be to many poll workers a  
18 fairly complicated name --

19 MR. COE: Right.

20 NEW SPEAKER: -- are counted.

21 MR. COE: Right.

22 NEW SPEAKER: Obviously in Texas, we see that  
23 with our Hispanic community more than we do with any  
24 other community, but I believe that that's currently in  
25 the hopper and I think we want to make a very favorable



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1 look at that issue. It may or may not be a part of this  
2 bill.

3 MR. COE: Right.

4 CHAIRMAN: And it may be that, for simplicity  
5 sake, this bill doesn't change current law in that  
6 regard but I do think that this committee needs to look  
7 very favorably at legislation along those lines to  
8 address those separate concerns simply about transposing  
9 letters in any kind of a name, whether it's complicated  
10 or otherwise.

11 MR. COE: Right. Well, I mean, again, I think  
12 to, you know, also something I forgot to mention to  
13 address some of the concerns that Representative Brown  
14 raised, I think part of the issue is that under the  
15 current law, you know, Asian Americans can use either  
16 their photo ID or the voter registration card, and so a  
17 lot of Asian Americans who know that they have a problem  
18 because their driver's license uses a different name  
19 have been, you know, up to this point, able to just use  
20 a voter registration card and just avoid that problem.

21 I mean, again, to what degree did that impact  
22 the ability for Asian Americans to vote, you know,  
23 there's probably a lot of disagreement over that data  
24 but I think there's definitely evidence that's there.

25 NEW SPEAKER: And you know, I don't want to



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1 create the impression of the audience that currently if  
2 there's one letter that's off, people are not --

3 MR. COE: Right.

4 NEW SPEAKER: -- typically being able to  
5 vote. I think poll workers are already exercising  
6 reasonable discretion in that regard. It may be that we  
7 can provide some clearer standards. I think there is a  
8 list that Representative Hofburg presented to us in that  
9 committee hearing where it did look like some voters, a  
10 relatively small number at the statewide level, that we  
11 would all agree are most likely that person were running  
12 into some difficulty simply because of the process of  
13 comparing names, and that's something that we definitely  
14 need to look at. Representative Anchia, did you have a  
15 question?

16 REPRESENTATIVE ANCHIA: Just really quickly,  
17 in the Senate bill, there is language included that says  
18 that your identity must be proven from the documents  
19 presented, and what I think --

20 I think the point that you're trying to make  
21 is that with names in the Chinese community, your voter  
22 registration certificate may have a different name or  
23 the way you're listed on the roles may have a different  
24 name than your photo ID, your concealed handgun license  
25 or any other secondary non-photo identification that you



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1 may have, and your concern is that if there -- and there  
2 are all kinds of national studies about the disparity  
3 application of on different communities. In fact, in  
4 one, I think it was the Cal Tech study that we looked at  
5 last night, Asians were asked for additional ID on a  
6 much higher percentage.

7 MR. COE: Yes, I've seen that data as well.

8 NEW SPEAKER: So I'm concerned about those  
9 issues.

10 MR. COE: Right. I think there's overlap  
11 between those issues; you know, again because you're  
12 giving poll workers a lot of discretion to look at these  
13 items, then you create the increased likelihood of mis-  
14 understandings, particularly with naturalized citizens,  
15 who, you know, may speak English perfectly well for  
16 day-to-day purposes, but when having to talk to somebody  
17 about the intricacies and technicalities of, you know,  
18 voting law, election law, may be very lost, and a lot of  
19 mis-understandings have arisen.

20 In fact, there's been several documented cases  
21 before in New York City of this happening. And then  
22 again, as you said, the problem with somebody might  
23 bring their photo ID thinking I have a photo ID so it be  
24 fine, but then there's a discrepancy either because of,  
25 again, the difficulty of transliterated names or the



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1 fact that they're really using completely different  
2 names on both forms of ID.

3 NEW SPEAKER: And you brought up citizen  
4 documents. You've got I know one that's called for in  
5 63 spot 0101, and let me preface this question by asking  
6 you if you know a little bit about the citizenship  
7 documents that are listed in the bill.

8 MR. COE: I actually do not recall off the top  
9 of my head so I'd appreciate you refreshing me.

10 NEW SPEAKER: Okay. One is a United States  
11 citizenship certificate.

12 MR. COE: Yes.

13 NEW SPEAKER: Which I think refers to the  
14 notification of a birth abroad for a U.S. citizen, and I  
15 think that's different than a naturalization  
16 certificate, which is an N360.

17 MR. COE: Yes.

18 NEW SPEAKER: Okay, so those are two different  
19 documents?

20 MR. COE: Yes.

21 NEW SPEAKER: And my understanding is the  
22 citizenship certificate would have one's picture on it  
23 but that picture might be taken at the time that that  
24 person is young.

25 MR. COE: Right.



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1 NEW SPEAKER: Or naturalized, so someone who  
2 could be 70 would present that piece of photo  
3 documentation and the picture was taken when they were  
4 10.

5 MR. COE: Right.

6 NEW SPEAKER: So there might be a difference  
7 in their appearance in the intervening 60 years. And  
8 then the other documentation that is included in the  
9 bill is, relates to naturalization documents, and  
10 they're not spelled out here, or citizenship papers  
11 rather, in subsection 4. Do you know what those would  
12 refer to? So they're non-photo ID citizenship papers.

13 MR. COE: I'm not exactly sure what that  
14 refers to.

15 NEW SPEAKER: Okay, I'm not sure either.

16 MR. COE: Yes, I'm not aware of other types of  
17 citizenship documents for naturalized immigrants, no.

18 NEW SPEAKER: Thank you for your testimony.

19 MR. COE: Thank you.

20 NEW SPEAKER: Is it true that it's very common  
21 for people (Inaudible) for people to sometimes do the  
22 surname first and their given name last, or  
23 interchangeably?

24 MR. COE: Yes.

25 NEW SPEAKER: Which may also may cause a



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1 problem.

2 MR. COE: Right. Similar to Latino names,  
3 many Chinese and Korean names are three parts.

4 NEW SPEAKER: Yes.

5 MR. COE: So there's often confusion with  
6 which parts are which.

7 NEW SPEAKER: Sometimes Latino names are  
8 forenames, we discussed that last night.

9 MR. COE: Right.

10 NEW SPEAKER: They use forenames.

11 MR. COE: Right.

12 NEW SPEAKER: And I'm not a proponent of  
13 changing your name. I think names mean something in  
14 families, and for those of us who lost our name  
15 somewhere along the way when they wanted us to change  
16 our name to the master's name and so we've lost our  
17 name. I don't know what my name is. And so I just  
18 wanted to bring that to the forefront. We don't want to  
19 damage cultures and ask people to change their name for  
20 the purpose of voting.

21 CHAIRMAN: Any other questions, members?  
22 Representative Hefler?

23 REPRESENTATIVE. HEFLER: No, I'll pass.

24 CHAIRMAN: All right. Representative Brown?

25 REPRESENTATIVE BROWN: And I'm sorry if I



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1 leave the impression that I -- I'm sorry if I gave the  
2 impression that I was trying to get you to change your  
3 name.

4 MR. COE: No, no, my name is Ramey.

5 REPRESENTATIVE BROWN: I'm trying to figure  
6 out some form of identification that the poll workers,  
7 if they happen to be white, Anglo, Hispanic, whatever,  
8 that they might be -- if Chinese was not their native  
9 tongue, I'll put it that way.

10 MR. COE: Right.

11 REPRESENTATIVE BROWN: That they might be some  
12 sort of matching.

13 MR. COE: Right. Again, I'm not saying that  
14 that isn't a possibility. You know. I think the issue  
15 is that many Asian American voters will have existing  
16 valid photo ID that they think and have always been led  
17 to believe is sufficient photo ID to prove their  
18 identity for other purposes. You know, a driver's  
19 license that they've had for years and years and years  
20 and it's current and it's not expired, but because now  
21 there's a requirement that requires them to show that  
22 particular piece of ID or something, you know, other  
23 type of ID where they have a name that they use in  
24 certain contexts and that happened to not be the name  
25 that they used to register to vote because they decided



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1 they needed to use their Social Security card name for  
2 legal purposes or whatever. Again, that's just an  
3 additional issue. They might show up at the polls and  
4 say, "Well, this is my driver's license. It's current,  
5 and then now I have to go and deal with this somehow,"  
6 you know.

7 REPRESENTATIVE BROWN: I think you're arguing  
8 that you may need some more education about the voting  
9 process if we, if we go through with this bill.

10 MR. COE: Yes, I think that's definitely, if  
11 the bill, if some form of the bill goes through, I think  
12 that's critical.

13 REPRESENTATIVE BROWN: To Chinese Americans.

14 MR. COE: An outreach, yes, specifically.  
15 Vietnamese Americans is obviously another very large  
16 community here in Texas. And so, you know, I think it's  
17 definitely critical, especially because since Asian  
18 Americans are such a fragmented language population, a  
19 lot of places, polling places, won't have language  
20 assistance for most of them because they don't meet the  
21 population requirements to have language assistance. So  
22 if they encounter problems and they get to a point where  
23 the discussion of the poll worker starts going over  
24 their heads, it may be very difficult, so --

25 REPRESENTATIVE BROWN: Thank you for pointing



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1 that out to us.

2 MR. COE: Yes. No problem.

3 CHAIRMAN: Any other questions of Mr. Coe?  
4 Thank you, Mr. Coe. I appreciate it very much.

5 MR. COE: Thank you very much, committee,  
6 Mr. Chairman.

7 CHAIRMAN: Okay, we had a witness that wasn't  
8 available earlier, Pedro Lopez. Are you with us now?

9 I don't see Mr. Lopez, and therefore, I'm  
10 going to show him as not testifying but being in favor  
11 of Senate bill 362.

12 Members, at this time, I'm going to close on  
13 Senate bill -- I'm going to close on Senate bill 362 and  
14 leave that bill pending, and before you throw a riot,  
15 members, members of the audience, let me explain what  
16 we're doing. We have two members that have been with us  
17 for about several hours today, along with the audience,  
18 and they have bills that have only a few witnesses that  
19 wish to testify, and we have a number of witnesses that  
20 still wish to testify on Senate bill 362, so rather than  
21 require Mr. Dunham and Mr. Hobson to sit around here for  
22 the rest of the evening and listen to all of the  
23 witnesses on Senate bill 362, what we're going to do at  
24 this point is take about a 15 minute break from  
25 testimony on Senate bill 362 and lay out their bills,



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1 hear from a few witnesses on them and then return --

2 Okay, we're not going to hear from witnesses  
3 on them, we're simply going to lay out their  
4 legislation.

5 Okay, I've been told that they have a number  
6 of witnesses. Apparently it's not just a few witnesses,  
7 and therefore, what we're going to do is allow them to  
8 lay their legislation out, and then close, leave it as  
9 pending business and then return to Senate bill 362. Is  
10 that all right?

11 At this time, the Chair lays out House Bill  
12 4421 by Representative Chairman Dunham and calls on  
13 Chairman Dunham to explain the bill.

14 REPRESENTATIVE DUNHAM: Thank you,  
15 Mr. Chairman. I also have 4418, which has similar  
16 elements in it, and at your pleasure, I would lay them  
17 out both.

18 CHAIRMAN: Okay, the Chair now lays out House  
19 Bill 4418 by Chairman Dunham and would ask you to  
20 explain that bill as well.

21 REPRESENTATIVE DUNHAM: Thank you,  
22 Mr. Chairman and members. We have issues regarding to  
23 the integrity in our voting system that has gotten  
24 thousands of people writing the capitol and hundreds of  
25 people showing up at the capitol, and I think that maybe



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1 we're overcomplicating the issue.

2 I can, if I want, take this card that has no  
3 picture on it and no name on it and get access to a  
4 multi million dollar building across the street that has  
5 confidential client information in it, that has a safe  
6 in it, that has information that should only be accessed  
7 exclusively. And when I use this card, they know I use  
8 this card, they know what time I entered the building,  
9 they know what time I left the building, and if someone  
10 tried to use this card at the same time, they would get  
11 caught across town.

12 Today, I have a daughter and she can take a  
13 card just like this and go to Dillards and buy  
14 something. It doesn't have her picture on it and it  
15 gives her access to amount of money that's probably  
16 imprudent on her father's part, and if she buys a gallon  
17 of gasoline, crosses street and buys another gallon of  
18 gasoline, the credit card company will cut her off  
19 because they know about the potential of fraud.

20 We have learned in this country there is  
21 billions, if not trillions, of dollars that is being  
22 securely used in transactions every second in the United  
23 States with integrity and there is no picture on this.  
24 I had to sign it. There's a magnetic strip on the back  
25 that has a great quantity of information, and every time



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1 I use it, they know where I used it and what I used it  
2 for, and if I lose it, I can call a phone number and  
3 immediately cut it off.

4 I get this in the mail from the state of  
5 Texas. You know what? If I want to get this in my  
6 wallet, I got to cut it, I probably got to laminate it,  
7 I got to fold it several ways to where you can't see all  
8 the information on it, and so what I generally do when I  
9 get this is I lay it on a counter somewhere and I lose  
10 it.

11 Now the state of Texas, we know, despite the  
12 government not doing everything right, can issue this,  
13 which is a piece of plastic that happens to be the same  
14 size as my credit card, and I can drive with it, and I  
15 don't lose this because it's really easy. In fact, they  
16 actually make wallets for these to fit in them, things  
17 this size. They don't make wallets to contain these  
18 things.

19 So there's several issues that we have before  
20 us. One is why in the world is the state of Texas  
21 spending millions of dollars and having me give them all  
22 this verification for them to give me this voter  
23 registration card if it's meaningless. Why am I having  
24 to show up with a Social Security card and this and that  
25 and whatever and prove I'm a U.S. citizen and prove I



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1 live in Texas, and all other things, my water bill and  
2 whatever, for the state to issue this to me and then for  
3 the state to say, "Oh, and by the way, you can't vote  
4 with that." Right? I don't understand. Why would we  
5 do that? Why would have the state go through and spend  
6 millions of dollars and employ hundreds, if not  
7 thousands, of people to verify and make sure we don't  
8 give this to the wrong person and then we give it to  
9 them and say you can't vote with it. You got to have  
10 something else. Well, just give me something else to  
11 begin with, right?

12 So we came up with a bill that's called the  
13 Voter Integrity Act of 2009. It sets forth two things  
14 that seem to make sense. One is if I'm going to  
15 register in the Motor Voter Program, or whatever it's  
16 really called, you know, where you go in and you get  
17 your driver's license and they say, "Hey, you want to  
18 vote," just like, "Hey, you want to give your organs,"  
19 or whatever it is, right? They ask you that, they ask  
20 you if you want to give your organs, and if you do, they  
21 put it on the back of your driver's license, so that  
22 when you're in a car wreck and you're at the hospital  
23 and they see your driver's license and I'm a goner, they  
24 can take my organs, right? Why can't they put something  
25 on the back of this thing that says, "I'm registered to



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1 vote?" And put it whatever on the magnetic strip, you  
2 know, that gives them the whatever, the security they  
3 need, you know, so that this can't be copied, you know,  
4 other than by an enterprising 15 year old that wants to  
5 buy a beer? Why can't they do that? Why can't they  
6 just put something on the strip that says where I vote  
7 and all the data that's on this card and then they put  
8 on the back there's a box that says here, you know,  
9 allergic reaction, that they can check it and they can  
10 put that I'm allergic to penicillin on the back of my  
11 driver's license. Why can't they check a box that says  
12 that Jim Dunham is registered to vote and when I show up  
13 and when I vote, I hand them this and I vote?

14 Well, they can. They can. We just have to  
15 tell them to, and HB 4418 tells them to. It tells DPS  
16 whenever I show up, someone shows up to get a driver's  
17 license and they chose to register to vote at the same  
18 time, they put on their driver's license, and that's  
19 it. They don't get a voter registration card. This is  
20 it. This is what you use to vote.

21 Now we have voter drives, we have mail-in  
22 ballots, where you people who live in nursing homes,  
23 they don't show up at the DPS, they don't have a  
24 driver's license, so what do you do about that? Well,  
25 the problem with this to me, I guess, is man, I agree,



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1       you know, I guess I could copy that. I could copy that.

2               Well, everything we have these days doesn't  
3       have photos all over it. The first photo ID I got when  
4       I was an adult was when I got in the legislature, other  
5       than my driver's license. People don't get photo IDs.  
6       You get one when you're in college, I guess. Baylor  
7       gave me one. I was a handsome skinny, young guy, but I  
8       didn't have a photo ID, a second photo ID as an adult  
9       until I got in the Texas legislature and they gave me  
10      one.

11              So why don't we have something where this  
12      document, this voter registration card, if we're going  
13      to go through all the effort to validate the information  
14      and then send it to someone, why don't we have a secure  
15      something, not a piece of cardboard, but a card that has  
16      a magnetic strip that has the information on it that,  
17      you know, we don't --

18              I mean, people aren't copying these credit  
19      cards all the time to go vote, but they can put  
20      information on it, you can sign the back just like you  
21      do your credit card when you get it. You can call. As  
22      soon as you get your voter registration card, you know  
23      what you can do? Just like you get your credit card.  
24      It doesn't work if you don't call and say you got it,  
25      right? Do the same thing, and issue a voter



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1 registration card that looks like this for people that  
2 don't do Motor Voter.

3 There's two ways you vote. One is you got a  
4 piece of plastic that looks like a credit card that you  
5 activated when you got it by calling in and validating  
6 and verifying that it got to the right person, or you  
7 did Motor Voter and you used your driver's license. You  
8 do one of those two things. And you create, to the  
9 extent that there's a problem with the security of this  
10 voter registration card, fix it. We have security  
11 devices on our dollar bills. You if you hold them up to  
12 the light, there's a hologram. If you're worried about  
13 this thing getting copied, put a hologram on it. They  
14 know how to do all this stuff. It's very easy.

15 So House Bill 4418 does that to provide the  
16 security that we need, because again why in the world  
17 are we spending millions of dollars for the state of  
18 Texas to give me a piece of paper that will not allow me  
19 to vote? It's totally -- it's just crazy. It's crazy,  
20 and that's why I can't remember ever voting with this,  
21 because I proceed to lose it almost as soon as I get it  
22 because I don't know what to do with it, because it's  
23 like this, this big piece of paper that I don't want to  
24 carry around.

25 So if we can do it to gain access to a



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1 building, if we can do it to spend thousands and  
2 thousands of dollars with security, why can't we do it  
3 for voting?

4 The second thing that we do with 4418 --

5 Yes.

6 NEW SPEAKER: Real quick, Mr. Dunham. I don't  
7 understand; your fiscal note says, "No significant  
8 physical implications to the state."

9 REPRESENTATIVE DUNHAM: There's not, because  
10 all we're doing is changing this to a piece of plastic,  
11 which we already do for the Lone Star card. I mean, the  
12 Lone Star card is a piece of plastic that has some  
13 security devices in it. When they swipe it, they know  
14 what the recipient, the food stamp recipient bought,  
15 they know where they bought it, they have mechanisms  
16 that they put in place under Commissioner Sharp about  
17 how to track fraud when people are fraudulently using  
18 their Lone Star card. The same thing. And so there's  
19 no extra cost to do this instead of this. It's a piece  
20 of plastic. We do it all the time.

21 NEW SPEAKER: You know, Representative Dunham,  
22 I understand, I think I agree with you in terms of the  
23 convenience of carrying a billfold sized card.

24 REPRESENTATIVE DUNHAM: It's not the  
25 convenience, it's the security. This is something that



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1 I probably, if I'm enterprising enough, could probably  
2 copy this, okay. I can't copy this unless I'm in the  
3 Mafia, I guess. I mean, it's difficult to do  
4 evidently. And so why don't we create a secure, a  
5 secure ID for voting.

6 NEW SPEAKER: If you're simply taking this,  
7 you're relying on the very identical process that we  
8 currently use and you're taking the exact same  
9 information and you're simply putting it on a plastic  
10 card that is smaller and easier to carry than a current  
11 voter registration card.

12 REPRESENTATIVE DUNHAM: But it's also a --

13 NEW SPEAKER: How is your argument that that  
14 enhances security at the polls?

15 REPRESENTATIVE DUNHAM: Because it's a secure,  
16 it's a secure document. It has -- it has information on  
17 it electronically coded on it. If I lose it, I can  
18 report it lost immediately. If it's misplaced, I can  
19 report it lost immediately. When I receive it, I  
20 actually do something to activate it, which assures that  
21 it was received by the correct person.

22 When I use it to vote, swipe, instantly. No  
23 one else can vote with a falsified card, or if they do,  
24 bingo, the computer tells them and that person gets  
25 stopped and arrested and starts getting asked questions.



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1                   It improves the integrity of the system  
2           because you can computerize and automate it, everything,  
3           just like if I go use this credit card across the street  
4           to buy a Coke and then 30 minutes later, buy another  
5           Coke across the street, they know that I'm a potential  
6           for credit card fraud.

7                   NEW SPEAKER: I can see your argument insofar  
8           as it relates to a voter in good faith who is receiving  
9           this card in the mail and who wishes to use it for  
10          purposes of casting their vote only, and it would allow  
11          them, if they lost it, to call someone, secure the  
12          credit card and say cancel that, so that someone can't  
13          pick it up on the street and use it for purposes of  
14          voting.

15                  NEW SPEAKER: And also you can't even activate  
16          it until you call. And guess what? You actually have  
17          to call from your home number to activate your credit  
18          card. You can't just call from any number, you have to  
19          call from your home number. They know that. So it  
20          protects the integrity. You have a closed loop on  
21          handing this out. If we're worried about people swiping  
22          these things, which I can't quite figure out why, but  
23          people are worried about it, so why don't you have a  
24          closed loop on how they're handed out. We do it every  
25          day.



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1 If I lose this, I'll get another one in three  
2 days and I won't be able to use it until I've called  
3 from my home phone number and activate it.

4 CHAIRMAN: Representative Bohac?

5 REPRESENTATIVE BOHAC: Chairman Dunham, I can  
6 say as a technical, tech guy myself, I like where you're  
7 going, I really do, but I think there's a couple things  
8 I would like to consider. Number one is the cost,  
9 because technology, while bringing efficiencies, it  
10 would --

11 There's a number of counties who don't have  
12 the money to fund electronic voting machines or the  
13 technology we would need to be able to utilize this  
14 system.

15 REPRESENTATIVE DUNHAM: Well, that's why, if  
16 you look at the fiscal note, it talks about that. It  
17 talks about the cost. That's proportionally why we have  
18 fiscal notes, and this one says there's no cost. I  
19 mean, there's no cost for it, because they're already  
20 doing this, and to just do it in a different form that  
21 has some security doesn't require any extra, extra  
22 money.

23 REPRESENTATIVE BOHAC: No, no, what I'm saying  
24 is, Chairman Dunham, is that county election departments  
25 would have to have some type of equipment that would be



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1       able to read that card and then be able to communicate  
2       real time with other voting places and so forth, so I'm  
3       just saying, conceptually, I like the direction you're  
4       going. Number one, I think there could be a significant  
5       cost to local voting jurisdictions. Number two, I think  
6       this requires a higher level of sophistication, voting  
7       sophistication, than some of the other concepts that we  
8       discussed here in this body, just coming from, you know,  
9       just looking at it. I mean, there's a lot of upside,  
10      because you got to be -- we would have to use the  
11      telephone and --

12                REPRESENTATIVE DUNHAM: Oh, my God.

13                REPRESENTATIVE BOHAC: Well, what I'm saying  
14      is there are accessibility issues for many of these --  
15      for some of these, for some folks, and I don't know, I'm  
16      just saying we have to --

17                REPRESENTATIVE DUNHAM: Right now you're  
18      saying they would have to go find another photo ID,  
19      which I never had one until I was 33 years old.

20                REPRESENTATIVE BOHAC: I think we heard some  
21      testimony yesterday that roughly you have about 1 point  
22      some odd percent folks that do not currently have a  
23      voter ID, so we would have to actively seek them out  
24      and, of course, help them.

25                CHAIRMAN: Note for the record at this point



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1 that Representative Bohac is accusing Chairman Dunham of  
2 attempting to suppress photos. Go ahead. I'm kidding.

3 REPRESENTATIVE BOHAC: No, no, I just think,  
4 conceptually, if we really, you know, think big about  
5 your bill, I think it has a lot of, there's a lot of  
6 good items in it. I don't know if we're there yet.

7 REPRESENTATIVE DUNHAM: I don't think we're  
8 there yet because I think this is not about protecting  
9 the integrity of the voting system. I don't think  
10 that's what this process is about.

11 I think this process is about trying to effect  
12 elections in artificial manners. I think this is about  
13 suppressing votes. I don't think this is about  
14 impersonating people to go vote. I don't think that's  
15 happening no one is getting prosecuted on it, but if  
16 this is really about people impersonating other people  
17 on voting, then let's increase the integrity of the  
18 security device on what the state of Texas sends out.  
19 Let's not have the state of Texas make me jump through  
20 five hoops to get one of these and then the state of  
21 Texas says, "You know what, Jim? That ain't enough for  
22 you to vote. You need something else too." Why don't  
23 you just give me that to begin with? Why don't you give  
24 that to me to begin with? If I need my photo on there,  
25 take my photo and it put it on it, okay, but don't give



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1 me a piece of paper that I can like, you know, clean my  
2 teeth with. It has to have some useful purpose other  
3 than creating one more obstacle to me voting, because  
4 now I have to have two things.

5 I think we would be better off having one  
6 thing, either a driver's license, if they go ahead and  
7 put it on there when they give it to me and they  
8 electronically coat it and I can vote with this thing,  
9 because I can't anyway, or are they not doing the  
10 correct things to pass these out? Are we not being  
11 scrupulous in getting information and passing these  
12 out? Then why do we pass them out? Why are we passing  
13 these out if that's not good enough?

14 REPRESENTATIVE BOHAC: I understand your  
15 point. One more question --

16 REPRESENTATIVE DUNHAM: No, I want to know.  
17 Why are we passing this out if this is not good enough?  
18 Make it good enough. Do whatever it takes to make this  
19 good enough.

20 REPRESENTATIVE BOHAC: When you say do  
21 whatever it takes, you don't want us to require people  
22 that can currently register to vote in their living room  
23 by filling out a form and sticking it in the mail box to  
24 have to go to the DPS station to register to vote.

25 REPRESENTATIVE DUNHAM: No, of course not.



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1 Because I can get one of these the same way at home by  
2 filling out an application and doing whatever is  
3 necessary and they give me one of these, and we know for  
4 decades, they have been able to protect the integrity of  
5 a credit card or a Lone Star card.

6 You know, we went to the Lone Star card with a  
7 computerized automated system to prevent fraud, and it  
8 saved millions of dollars and we don't have problems  
9 with people replicating Lone Star cards all over the  
10 state of Texas. It is technology that they can do and  
11 they can do it very, very quickly if the issue really is  
12 voter impersonation.

13 The other thing you do if the issue really is  
14 voter impersonation, you tell someone that does it that  
15 they're going to jail two to ten. You make it a third  
16 degree felony. I laid out a bill in criminal justice  
17 today --

18 REPRESENTATIVE BOHAC: It's already two to  
19 ten.

20 REPRESENTATIVE DUNHAM: And that is already,  
21 already also obtaining it should be a third degree  
22 felony. Obtaining the card and voting with the card,  
23 both. And also you allow, by pulling in, by that, to  
24 pull in people that aid and abet others or participate  
25 in conspiracies with others to either aid and abet



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1 obtaining the card or aid and abet in the actual  
2 voting. That is something that I laid out in front of  
3 criminal justice today and it's actually a provision in  
4 4482. That's why it's a Voter Integrity Act. It's not  
5 just one thing. It covers several things.

6 It covers the security, the security of the  
7 identification. Whatever you want it to be, make it  
8 secure so that folks out here aren't worried about  
9 people going around and voting for other people. That  
10 there's only one of these out there and there's only one  
11 of these like this out there, and once it's used, nobody  
12 else can vote for that person. That solves part of the  
13 problem. And also put it on a driver's license for  
14 people that go through Motor Voter so that you're not --  
15 you will actually save money because you don't have to  
16 then send me this.

17 REPRESENTATIVE BOHAC: When you says once it's  
18 used, nobody else can vote for that voter, how is that.

19 REPRESENTATIVE DUNHAM: Because once they use  
20 it, you can only vote at one precinct, we know that, it  
21 says that, and you can actually put that on the card.  
22 It's actually on the card. It says this is the precinct  
23 you can vote at it. And right now, low and behold, when  
24 I show up and vote, they have a stamp that says "Voted,"  
25 and they stamp that right by my name, and when the next



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1       guy comes up and says, "I'm Jim Dunham, here's my ID,"  
2       they say, "Wait a minute, Jim already voted. Let's go  
3       talk to the DA or the sheriff," right?

4               If you get, if you move towards doing that  
5       even electronically, with a swipe card, and I'm not  
6       saying we do it instantly, but if you move towards doing  
7       it with a swipe card, then you're headed towards  
8       additional integrity on it.

9               Then the third thing --

10              REPRESENTATIVE BOHAC: And let me say,  
11       I'm not representing any opinion about the extent to  
12       which this does occur or would occur, but under your  
13       scenario, with that card, you could, with impunity,  
14       simply hand it to someone else and let them vote on your  
15       behalf.

16              REPRESENTATIVE DUNHAM: I can with this too.

17              REPRESENTATIVE BOHAC: Is that right?

18              REPRESENTATIVE DUNHAM: Yes, I guess so. I  
19       can do this too except I've signed this.

20              REPRESENTATIVE BOHAC: Yes.

21              REPRESENTATIVE DUNHAM: And I've signed this,  
22       and what's weird is when I try to buy that loaf of bread  
23       at the grocery store, or I'm buying something, they turn  
24       this over and they look at my signature and they compare  
25       it to the signature of the other person, and it gives



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1       them the opportunity to do some verification that it's  
2       me. That's why they say you can't use it until you've  
3       signed it. And so all these things are already in  
4       place.

5               We have a huge problem with credit card  
6       fraud. We will until the end of time because it has to  
7       do with stealing money, okay, and they have come up with  
8       the systems to protect our credit system for credit  
9       cards, and we use it for our own Lone Star card and I  
10      assume we use it for our driver's license. I imagine  
11      that this thing has stuff on the back of it that's very,  
12      very unique to me, so we already use it, and I do swipe  
13      it, I don't know why and I don't know what's on there  
14      but there's something on there, and the technology is  
15      all there.

16             So to me, there's three pieces to this if it's  
17      really voter impersonation. One is the integrity of the  
18      ID. Whether it has a picture or not, it has to have --  
19      and I promise, I hope, if you look at this picture and  
20      me now, I've lost 45 pounds and hopefully I look a  
21      little different, okay, so there's more to it than just  
22      the picture. There's the signature too and there's the  
23      other information.

24             So the first piece is protecting the integrity  
25      of the ID, and that's what we do in here. The second



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1 thing is making sure people understand that there are  
2 strong consequences to not just doing, not just voting  
3 illegally, but procuring an ID illegally or assisting  
4 and abetting someone else in doing so. Make it a third  
5 degree felony, make it a second degree felony. If it's  
6 a felony and you hear about people, oh, they were paid  
7 \$50 to go vote, well, this has a \$10,000 fine, and we do  
8 know that deterrence works.

9 The third piece of this is the issue of dead  
10 people voting, okay. Because I'm not really -- I mean,  
11 the odds of somebody taking my ID, go voting for me, I'm  
12 going to show up. I mean, you know, you risk somebody  
13 is going to show up and somebody is going to start  
14 asking questions, okay. So people say what about dead  
15 people voting, and if you look in here, right now, right  
16 now we have laws on the book that every year, the people  
17 that are in charge of the death certificates are  
18 supposed to communicate with the people who handle the  
19 voting certificates. They are supposed to talk to one  
20 another and say, "Here, here's all the people that  
21 died," okay. And they're supposed to tell them, "Hey,  
22 these people died, take them off the rolls." That is  
23 already current law, okay. And to the extent we have  
24 dead people on the rolls, it's because somebody is not  
25 doing their job.



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1 REPRESENTATIVE BOHAC: I'll just tell you we  
2 heard testimony last night that what they're doing in  
3 Harris County, if I recall correctly, is cutting  
4 peoples' names out of the obituaries in the newspapers  
5 for the purpose of trying to clean up the rolls.

6 REPRESENTATIVE DUNHAM: Right, and we have,  
7 there is a system on the books right now where the  
8 registrar of death certificates is required to  
9 communicate with the voter registrar.

10 REPRESENTATIVE BOHAC: That happens monthly.

11 REPRESENTATIVE DUNHAM: So if people aren't  
12 doing that, we need to do something about that. In  
13 addition, in addition, we have people that keep track of  
14 people who move. There is a system of when people move,  
15 that that is supposed to also be reported, and so we  
16 have a third provision in here that, that requires  
17 additional reporting and job duties for the Secretary of  
18 State, and if you look at the last part of the bill,  
19 each register is going to report their cancellations in  
20 this chapter monthly to the Secretary of State. And so  
21 the Secretary of State will report those cancellations  
22 to the legislature, and that way, you're going to assure  
23 that that registrar who got the death certificates and  
24 is supposed to purging them monthly, they're going to be  
25 telling the Secretary of State whether or not they did



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1 it every month, and if they don't comply with the law,  
2 then let's call the AG, or whoever we need to call to  
3 call these people on the map.

4 Actually the bill, as I asked them to draft  
5 it, I said, "Hey, let's get the death certificate people  
6 to talk to the voter registrar people and let's make  
7 sure they get off the rolls," and we looked and they  
8 said low and behold, the statute already says they're  
9 going to do it. And so why aren't they doing it? So we  
10 said let's get the Secretary of State authority that  
11 they will monitor it monthly and so you, you deal with  
12 that issue as well.

13 REPRESENTATIVE BOHAC: It only requires them  
14 to report it, doesn't it, Jim? There's no  
15 requirement --

16 REPRESENTATIVE DUNHAM: That's right.

17 REPRESENTATIVE BOHAC: -- that they do  
18 anything about it, is there, in the bill?

19 REPRESENTATIVE DUNHAM: Well, the law is  
20 already the law what they're supposed to do, so if  
21 they're not complying --

22 REPRESENTATIVE BOHAC: Is there a consequence  
23 for failure to comply with the law currently?

24 REPRESENTATIVE DUNHAM: I'll pull that for you  
25 but I'm pretty sure there's consequences to not



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1 following the law on almost everything. What we want to  
2 do is have the Secretary of State to get the list,  
3 because if they get a list from Harris County next month  
4 that says, "Hey, you know what? Nobody died." Well, we  
5 know they didn't do their job because somebody died in  
6 Harris County last month and probably some of them were  
7 registered to vote, okay.

8 So either they didn't get the information from  
9 the registrar of death certificates or they didn't get  
10 the information, or the registrar of voting didn't do  
11 anything with it, and that's why you have the voter  
12 registrar report on it, on their cancellations each  
13 month, and that way you can police whether they're doing  
14 their job.

15 If there's another way to do that, we'll do  
16 that. But I mean, the bottom line is if there are dead  
17 peoples on the rolls, somebody is not doing their job so  
18 let's fire them and get somebody else that can do the  
19 job. Let's not make it harder for me to vote. Let's  
20 make them do their job. I do my job, and if I don't, I  
21 have consequences that people behind me don't. I mean,  
22 that's what I don't understand. If somebody is not  
23 doing their job, why does that mess with me? I mean,  
24 I'm doing my job.

25 CHAIRMAN: Questions? Representative Brown?



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1 REPRESENTATIVE BROWN: Representative Dunham,  
2 I like the thought that you have put into this and the  
3 solutions you have come up with. However, you haven't  
4 addressed any of those things that we've been wrestling  
5 with all this time. All the bills have been filed, you  
6 know, we still have the claims of how hard it is on the  
7 very poor and the very old and the, you know, all of  
8 these populations, and I don't see that your solution  
9 makes it any easier. In fact, it probably makes it  
10 harder on these populations.

11 REPRESENTATIVE DUNHAM: I don't know how it  
12 makes it any harder. Right now, these populations are  
13 getting this document and you all are fixing to tell  
14 them that's not good enough for them to vote, and what  
15 I'm suggesting is that the state, instead of sending  
16 them this document, send them a secure document in the  
17 first place that says that is good enough for you to  
18 vote. I think that makes it easier on them.

19 REPRESENTATIVE BROWN: So they don't have to  
20 show up anywhere to get it? It just comes in the mail?

21 REPRESENTATIVE DUNHAM: They have to do  
22 whatever is necessary to get this document right now,  
23 whatever forms of ID, whatever affidavits, whatever it  
24 is you have to do to get this.

25 Actually I know I did it when I voted, when I



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1 got my driver's license, but whatever you have to do to  
2 get this, you get it. You just get something that is a  
3 more secure form of identification that provides  
4 additional security for the system, so I don't see how  
5 that makes it tougher on anybody. It makes it easier.

6 REPRESENTATIVE BROWN: And you're not  
7 recommending that we have a photo on this card?

8 REPRESENTATIVE DUNHAM: No, because it makes  
9 it difficult for you to have voter registration drives.  
10 You know, at the mall, you would have to take their  
11 picture and keep track of whose picture goes with what,  
12 and it would be very, very difficult. That's why I  
13 think for people that happen to already be at DPS doing  
14 their driver's license and doing all those things, you  
15 had actually save money by just putting a code on the  
16 back of your driver's license and say that's it. That's  
17 all you need.

18 REPRESENTATIVE BROWN: The phase-in on this  
19 would be six years, right?

20 REPRESENTATIVE DUNHAM: On mine? No, I think  
21 that they could probably start doing the driver's  
22 license deals almost immediately.

23 REPRESENTATIVE BROWN: Yes. But I assume it  
24 would be done as driver's license come up for renewal?

25 REPRESENTATIVE DUNHAM: Right. Yes, but for



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1 people that are getting these and registering and  
2 getting their new voter registration cards, instead of  
3 getting these, they would start getting the more secure  
4 identification immediately, but it wouldn't be anything  
5 like six years. I imagine it would take them, I don't  
6 know, six months or something to --

7 CHAIRMAN: So if they don't call within a  
8 certain period of time, then they would not be able to  
9 vote? I mean, you accept that barrier?

10 REPRESENTATIVE DUNHAM: I received this -- I  
11 received this, I don't know how often. I get it in the  
12 mail, and actually this is not mine because I've lost  
13 mine so I got one from one of my staffers to happened to  
14 have one. So -- so whatever the process is for renewal  
15 and re-issuance of these, we would do the same thing.

16 CHAIRMAN: But you earlier said that one of  
17 the reasons why this would be more secure is that people  
18 would have to call from the telephone at their home.  
19 Are you prepared to accept that barrier?

20 REPRESENTATIVE DUNHAM: Am I prepared?

21 CHAIRMAN: Yes.

22 REPRESENTATIVE DUNHAM: Yes, I can do it.

23 CHAIRMAN: For all voters. What about the  
24 homeless guy whose back pack --

25 REPRESENTATIVE DUNHAM: If it's a bad idea,



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1 don't make them call and do it. It's better than giving  
2 them something that has no security at all. I mean, we  
3 tried to -- I mean, I don't understand it.

4 CHAIRMAN: Well, we had an earlier, you may  
5 not have been here but we had one of the earlier people  
6 express concerns about Senate bill 362 because you could  
7 have a homeless guy whose all of his possessions are in  
8 his back pack who has his back pack stolen three weeks  
9 before an election, and we were talking about the fact  
10 that it's difficult to structure an identification  
11 requirement around that sort of horror story, but we do  
12 provide and take that person's right to vote seriously  
13 and are trying to accommodate that in some sort of  
14 provisional ballot mechanism even for the worst horror  
15 story, but I'm trying to point out that even this  
16 proposal places barriers in front of some voters than I  
17 believe are different than and therefore potentially  
18 harsher than.

19 REPRESENTATIVE DUNHAM: Like what?

20 CHAIRMAN: Well, if we're going to require,  
21 for security purposes, than in order to activate the  
22 more secure card --

23 REPRESENTATIVE DUNHAM: The bill doesn't say  
24 that.

25 CHAIRMAN: -- a phone call from their home.



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1 REPRESENTATIVE DUNHAM: The bill doesn't say  
2 that.

3 CHAIRMAN: Okay. Well, earlier when I asked  
4 you how this was more secure than a voter registration  
5 card, that was the answer that I was given.

6 REPRESENTATIVE DUNHAM: Well, the reason it's  
7 more secure is because you have magnetic data on it,  
8 identifying data on it, and you have a signature on it,  
9 just like you do on this, and you can't replicate the  
10 magnetic data.

11 CHAIRMAN: Yes, the magnetic data has your  
12 name and address on a magnetic card.

13 REPRESENTATIVE DUNHAM: That's what -- that is  
14 what makes it unique and a secure device.

15 CHAIRMAN: Well, I don't know if that makes it  
16 any more secure than a registration card. If the person  
17 has to call from their home in order to activate the  
18 card, which you have to do with a credit card, if you  
19 have to do that, then I might agree that does add an  
20 element of security, but it also creates a barrier.

21 REPRESENTATIVE DUNHAM: Well, then don't do  
22 it. It's not in the bill. You asked me to how to make  
23 it more secure.

24 CHAIRMAN: It's really the classic example of  
25 the tension between the goals and access of security



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1 that you get to no matter which device you're  
2 proposing.

3 I think everybody on this panel believes that  
4 technology can be a part of striking that balance, but,  
5 you know, it's a tricky, tricky deal. If you want to  
6 make it more secure, I think that's the element that  
7 made it more secure but it's also the element that  
8 created the barrier.

9 REPRESENTATIVE DUNHAM: You don't think that's  
10 more secure than this? What about this, what about  
11 this?

12 CHAIRMAN: If that electronic data simply  
13 provides the telephone number and address and  
14 information and is already on the voter registration  
15 card, I don't see how it does, no.

16 REPRESENTATIVE DUNHAM: Because you can't  
17 replicate it readily. You cannot replicate is readily.  
18 I don't have to call when I get my driver's license.

19 CHAIRMAN: I don't know that we, you know,  
20 maybe I'm wrong, but I'm not aware of a part of the  
21 allegation of fraud being that someone is taking a valid  
22 voter registration card and making copies of it a bunch  
23 of time.

24 REPRESENTATIVE DUNHAM: So what's the  
25 allegation?



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1 CHAIRMAN: Well, that there, you know, are a  
2 variety of mechanisms that people are registering under  
3 names that do not exist or people are voting under dead  
4 people's names that are on the rolls or people that are  
5 on the rolls for other reasons. And again, I'm not  
6 making a representation about --

7 REPRESENTATIVE DUNHAM: Then make it harder  
8 for me to get this. Do whatever it is, ask me whatever  
9 it is you got to ask me before you give this to me.  
10 Don't give it to me and tell me it's worthless.

11 CHAIRMAN: Well, I think you've got a  
12 legitimate point, which is that we could structure it in  
13 such a way to create more security with the documents  
14 you're providing. I'm not sure how you do that without  
15 creating barriers that you don't want to create. That,  
16 to me, is the balance.

17 REPRESENTATIVE DUNHAM: It's sort of bizarre  
18 that we're saying that the government is going to go  
19 through a process to give me this and then say it's  
20 useless. If the process for them to give me this was  
21 not thorough enough, fix the process before you give it  
22 to me, but once you give it to me, don't say copying  
23 these, okay, fine. I don't --

24 CHAIRMAN: I don't think that it's not that  
25 you can't use that but that that is not as reliable a



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1 source of identification as a photo identification  
2 because it does not have your photograph on it.

3 REPRESENTATIVE DUNHAM: If the whole deal is  
4 you can't use without a photo ID, then that's what you  
5 all are saying.

6 CHAIRMAN: Representative --

7 NEW SPEAKER: Mr. Dunham, the driver's license  
8 has your photo on it. Couldn't you scan the data on the  
9 back of it and show that you're registered to vote?

10 REPRESENTATIVE DUNHAM: What I'm saying, you  
11 know, most people, and ultimately you will have a lot of  
12 people who would be able to just vote with their  
13 driver's license. That's what their doing anyway.  
14 They're showing their driver's license to sign their  
15 name.

16 REPRESENTATIVE DUNHAM: And even if a person  
17 just got a photo ID from the DPS--

18 REPRESENTATIVE DUNHAM: They do the same  
19 thing.

20 NEW SPEAKER: Still have the same --

21 REPRESENTATIVE DUNHAM: But we do have people  
22 that are in nursing homes and other places.

23 NEW SPEAKER: That's true.

24 REPRESENTATIVE DUNHAM: And they can't do  
25 that, and we don't want to put up those barriers, and so



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1 if they are eligible to receive one of these and they  
2 provide the state with the information that the state  
3 says we're going to send you this, then I ought to be  
4 able to vote with it or the state, if the state didn't  
5 ask me for enough at the time, well, that's not my  
6 fault. If we have a problem with the integrity on  
7 passing these out, is that the issue? Is that the  
8 issue?

9 Is that the issue, that we shouldn't be  
10 passing these out to everybody? Is that a problem with  
11 that process? Then why don't we fix in a process rather  
12 than make me -- make it harder for me to vote. I mean,  
13 you're making me show up with extra stuff because the  
14 state of Texas can't do its job.

15 CHAIRMAN: Yes, Representative Brown?

16 REPRESENTATIVE BROWN: Your solution here  
17 would require a scanner in every polling precinct,  
18 right?

19 REPRESENTATIVE DUNHAM: Could, if they're  
20 going to use it that way. Right now, they stamp my name  
21 when I show up. I have a -- it's just like in a shop  
22 that doesn't have access to a phone, they run this  
23 through a mechanical machine and make a copy of  
24 something and they get the number down and they check my  
25 signature and I go on my merry way. I can still buy



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1 something without there being a card swipe in a store.  
2 And so you're not requiring them, but you're providing a  
3 piece of ID that has more integrity in the security of  
4 it than this piece of paper.

5 CHAIRMAN: And with that credit card, there's  
6 some mechanism by which they have reason to believe it  
7 found its way to the right person because the bills are  
8 being paid on a monthly basis that are being charged.

9 REPRESENTATIVE DUNHAM: Well, is that the  
10 problem? Are these things going to the wrong people?

11 CHAIRMAN: Well, I think there's some question  
12 about it that.

13 REPRESENTATIVE DUNHAM: Well, why don't we  
14 answer that question before you make it harder for me to  
15 vote. Don't think I think maybe it might be happening  
16 so we're going to make 25 million Texans to give them an  
17 extra hurdle before they can vote because we think there  
18 might be a problem.

19 CHAIRMAN: I think the testimony is that 98  
20 percent of Texans have a driver's license or a photo  
21 identification, and so we're not, there's nothing that  
22 25 million Texans are being required to do that they  
23 don't currently do.

24 The question is, and again, I want to  
25 emphasize that this committee, and I think everybody on



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1 the committee takes seriously, is how we handle that two  
2 percent that does not already have the photo  
3 identification that would be acceptable even if it were  
4 to be mandated in this legislation, which it is not.

5 REPRESENTATIVE DUNHAM: Then you give them,  
6 you give them a document issued by the state of Texas  
7 that qualifies them to vote and you allow them to use  
8 that to vote. That's what this is right now.

9 If the problem is this is insufficient, then  
10 make it sufficient. That's, that's what I'm getting  
11 at. The state of Texas is the one that gave me this,  
12 and for them now to say that we gave that to you but  
13 it's really pretty meaningless, I can figure out where  
14 to vote by reading the newspaper. I don't need to know  
15 all that stuff, so -- so give me an ID that allows me to  
16 use it to vote. Because we have -- we have a history in  
17 the state of Texas of putting up barriers for people  
18 voting. In our lifetime, they had literacy tests. In  
19 our lifetime, this was not a hundred years ago, in our  
20 lifetime, you had to answer 60 questions to vote. And  
21 so we should be very, cautious any time we put up a  
22 barrier or additional barrier for people to vote.

23 CHAIRMAN: And there has been lots of  
24 testimony by the committee in the last 24 hours that the  
25 way to handle the two percent that do not already have



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1 the proper photo identification is to put in the bill  
2 some mechanism by which the state does assert itself and  
3 make a point to go out into the community and make sure  
4 that that two percent does, in fact, have a photo  
5 identification.

6 The challenge, in light of the fact that in  
7 order to get a photo identification, if you do not have  
8 a photo identification, is under current law you have to  
9 provide a birth certificate, which costs \$20 to \$40, and  
10 that's a problem. But, as a matter of principle, I  
11 don't think that anybody has disagreed that, that if we  
12 could find some way to get a photo identification in  
13 those peoples' hands, a single document that would be  
14 sufficient for them to vote, without creating  
15 unreasonable barriers, it would not only enhance our  
16 election process but it would also provide them with an  
17 opportunity to do a lot of things in their daily lives  
18 that because they do not have that document, but we do  
19 have that little issue of the economic barrier that we  
20 all take seriously.

21 REPRESENTATIVE DUNHAM: This is a solution in,  
22 in pursuit of a problem, because no one can identify the  
23 real problem that we're fixing, because no one can  
24 demonstrate that a real problem exists. There's just a  
25 solution that people want and so they're coming up with



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1 a problem. The problem that was explained to me is a  
2 voter impersonation and problems with the integrity of  
3 this document that the state gives, so I came up with a  
4 solution.

5 CHAIRMAN: And I think it's an innovative one.

6 REPRESENTATIVE DUNHAM: Then people said, then  
7 people said well, you know, they're going to do it  
8 anyway. Said okay, let's send them to jail for ten  
9 years if they do it or they aid and abet in it on both  
10 ends, obtaining it and using it, and then they said,  
11 well, but you're still going to have dead people vote.  
12 Okay, let's do something to enforce the existing law on  
13 purging people from the rolls.

14 So what's the problem? If people will sit  
15 down and say that is the identifiable problem, we could  
16 come up with a responsible solution to that problem.  
17 The issue that is apparent is that this is a solution  
18 that was created on a national level to suppress voting,  
19 and so they're running around the states trying to enact  
20 a solution for problems that don't exist. So I'm trying  
21 to get to a problem, and if someone will articulate the  
22 problem, then reasonable minds can come up with a  
23 solution to the problem. If the problem is we can't  
24 figure out an articulate problem to justify voter  
25 suppression, I can't help on that.



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1 CHAIRMAN: Any questions, members, of  
2 Representative Dunham?

3 No questions. Thank you.

4 REPRESENTATIVE DUNHAM: Thank you.

5 CHAIRMAN: Do you want to close?

6 REPRESENTATIVE DUNHAM: I will close or allow  
7 someone to do it for me. My understanding is any  
8 witnesses on this bill will be provided the opportunity  
9 to testify at the conclusion. You'll probably close,  
10 then re-open for those witnesses and whatever it  
11 necessary procedurally.

12 CHAIRMAN: I think it's our intent to have you  
13 close and then we'll leave the bill pending and then  
14 re-open it later for testimony.

15 REPRESENTATIVE DUNHAM: Then I will close.  
16 Just to say, I do want to add that House Bill 4421 is  
17 really only the ID piece, and 4418 is everything  
18 combined, and I have separate bills on all the  
19 combination that are going to other committees, so the  
20 Comprehensive Voter Integrity Act is 4418.

21 CHAIRMAN: So just to be clear, you are  
22 closing at this time on House Bill 4421 and 4418?

23 REPRESENTATIVE DUNHAM: Correct.

24 CHAIRMAN: All right. At this time, the Chair  
25 moves that House Bill 4421 and House Bill 4418 be left



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1 pending before the committee. Are there any  
2 objections?

3 Hearing none. So moved.

4 At this time, the Chair lays out House Bill  
5 2513 by Representative Chairman Hobson and calls on  
6 Chairman Hobson to explain the bill.

7 REPRESENTATIVE HOBSON: Mr. Chairman, members,  
8 thank you very, very, much for allowing me to be here  
9 today. I was talking to a group of retired teachers  
10 about three years ago, a teacher name Lois Bowles, and  
11 we had all sorts of -- we had a question and answer  
12 period after their retired teachers meeting, and I said,  
13 "Are there any questions," and we got to talking about  
14 voter ID, and Ms. Bowles has been a friend of mine and a  
15 customer in my drug store for 35 years, and she said,  
16 "Chuck, you got a lot of sense." She said, "Why don't  
17 you just do like common sense approach and solve this  
18 thing?" And I got to thinking about that over the last  
19 three years, and House Bill number 2513 makes a photo  
20 identification as a part of voter registration process.  
21 The bill would allow procedures to be put in place to  
22 secure a photo of the individual as an additional part  
23 of the registration application form and the photo would  
24 appear on the voter's registration certificate issued to  
25 the voter.



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1           The voter would be accepted for voting if his  
2           or her name is found on the precinct list of registered  
3           voters and the voter's identity can be verified from the  
4           photograph on the document presented.

5           House Bill 2513 grants the Secretary of State  
6           the authority to enter into agreements with the  
7           Department of Public Safety or other state entities and  
8           government entities for assistance and assigning  
9           photographs to appropriate voter's registration  
10          certificate. And I think this bill is a common sense  
11          approach and it's an inexpensive way to restore the  
12          public confidence and the sanctity of the ballot box,  
13          and I would be happy to entertain any questions.

14           CHAIRMAN: How do we do it, Representative  
15          Hobson?

16           REPRESENTATIVE HOBSON: Well, I think on page  
17          four of the bill, it says, "Photo identification. The  
18          Secretary of State shall establish methods to obtain a  
19          photograph which registered voters for use on the voter  
20          registration certificate. For purposes of the section,  
21          the Secretary of State may enter into agreements with  
22          the Department of Public Safety or other state agencies  
23          or government entities to assist in assigning  
24          photographs to the appropriate voters' registration  
25          certificate."



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1 I think we give the Secretary of State the  
2 ability to go ahead and do this, and if we wanted to put  
3 it on a driver's license, if we wanted to -- if we  
4 wanted to have a separate voters ID that just, it's got  
5 all the information we have now, plus a picture, we  
6 could use the cardboard thing we're using now and assign  
7 a photograph to it, but this bill would give the  
8 Secretary of State the ability to work out that with  
9 other agencies.

10 CHAIRMAN: Okay. Obviously 90 something  
11 percent of the voters, if we want to just merge driver's  
12 license records with voters' registration cards, that  
13 would solve that problem, and you may be suggesting why  
14 don't we just merge pictures from DPS with voter's  
15 registration cards, and my answer has been, well, it  
16 really doesn't solve the problem because it is the  
17 voters that do not have driver's licenses that is, after  
18 all, the issue.

19 REPRESENTATIVE HOBSON: This bill gives the  
20 Secretary of State the ability to work with other  
21 agencies and get photographs, and it would be up to the  
22 Secretary of State to see that that comes to pass.

23 CHAIRMAN: And so does the voter who currently  
24 votes from their living room by simply filling out a  
25 card and who then receives a document in the mail and



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1 then presumably, under this legislation, has all that is  
2 necessary to vote, either because they already have a  
3 photo ID or because they have some other document in  
4 conjunction with their voter registration card, have to,  
5 as a result of this legislation, go somewhere else  
6 presumably?

7 I mean, there's two choices, as far as I can  
8 tell. We either make them go somewhere and get the  
9 photograph or we send a roving photographer to their  
10 home.

11 REPRESENTATIVE HOBSON: And I think the good  
12 thing about this bill is it allows the Secretary of  
13 State the ability. If you say we have 98 percent of it,  
14 then the if we have to go out to take their photographs  
15 or whatever, it gives the Secretary of State the ability  
16 to work with the other agencies and see that this is  
17 done.

18 CHAIRMAN: Is there a fiscal note?

19 REPRESENTATIVE HOBSON: You know, I don't have  
20 a fiscal note on it. We've requested one and they  
21 haven't sent us one yet.

22 NEW SPEAKER: Okay. Mr. Chairman?

23 CHAIRMAN: They're probably scratching their  
24 head.

25 REPRESENTATIVE HOBSON: Yes, they are really,



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1 I'm sure. But to me, this is a real common sense thing  
2 to do. We have a document, whether we want to put it on  
3 the driver's license, we want to put it on -- if we want  
4 to use the cardboard thing we're using now and put their  
5 photograph on it, I think that would be fine. But, you  
6 know, we talked to DPS and they said yes, they've got  
7 the ability to do that. We talked to the concealed  
8 weapon people. They've got the ability to do that. You  
9 know, they can take our picture off our state stuff.  
10 They have the ability to do a lot of it.

11 CHAIRMAN: I guess what that -- well, never  
12 mind.

13 REPRESENTATIVE ANCHIA: Chairman?

14 CHAIRMAN: Yes, Representative Anchia.

15 REPRESENTATIVE ANCHIA: Thank you for bringing  
16 this forward, Mr. Hobson.

17 REPRESENTATIVE HOBSON: Yes.

18 REPRESENTATIVE ANCHIA: And I don't know if  
19 you're in possession of this, I know we talked about it,  
20 but there's a letter from the Secretary of State to the  
21 committee, dated the March 6, 2009. If you're not in  
22 possession, I'd be happy to give it to you. But it  
23 deals with the costs associated with the bill you're  
24 proposing.

25 In subsection 2, it says the first thing we



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1 need is authorization to allow DPS to merge that data  
2 base into the Secretary of State's data base, and  
3 clearly your bill does that. Then it addresses costs,  
4 and the DPS, DPS estimates a fiscal impact of about  
5 \$273,000, which is a lot of money, but when you're  
6 talking legislative initiatives, certainly not very  
7 much, and it says that \$273,000 just to create a daily  
8 file with photos, and it says also here that that our  
9 agency, meaning the Secretary of State, would bear  
10 similar costs to modify our statewide system to accept  
11 this file and then be able to send it on to the  
12 counties.

13 When I talked further to Secretary of State  
14 over the phone, it was represented to me that if you  
15 took the voter's registration card distribution out of  
16 the counties and put it up at the state level,  
17 Mr. Chairman, and Chairman Hobson, you would actually  
18 save the counties a bunch of money, because they  
19 wouldn't have to administrate it.

20 Since the official voter roll is at the state  
21 level, pursuant to HAVA, that would be the logical place  
22 to do it. You have DPS, which is a state agency,  
23 Secretary of State's office, which is a state agency.  
24 You give them authorization to talk to each other, you  
25 bring up from the counties the voter's registration



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1 certificate distribution process and let the state do  
2 it, get volume pricing, certainly do it for 254 counties  
3 instead of each one doing it on a one-off basis, it  
4 would certainly be more efficient from an administrative  
5 perspective, and that would drive the costs down even  
6 lower. So I think this is a very sensible proposal and  
7 I think, Mr. Chairman, your question to Mr. Hobson  
8 about, you know, what do you do for the people, either  
9 the people that, for example, Toby Moore testified to  
10 that may be anywhere between 150 thousand to 400  
11 thousand, who have no form of photo ID but are  
12 nonetheless validly registered voters, I think you phase  
13 this thing in. And for people, for example, who don't  
14 have the state ID or the driver's license or the  
15 concealed handgun license that is being merged in, you  
16 phase it in over time for these people and the Secretary  
17 of State can affirmatively go find them. I mean, they  
18 have their addresses in the voter file, right, so we  
19 know where they are. Or as they come in, you can say  
20 during the first couple of election cycles, hey, if we  
21 have not provided you a voter registration certificate  
22 with your photo on it, if the state has not provided to  
23 you, voter, you can do, you can swear an affidavit that  
24 you are the person on that voter registration card, then  
25 turn around, and at early voting locations, for example,



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1 we could take a picture of you and then send you the  
2 requisite voter card later.

3 I mean, I don't think this is an all or  
4 nothing. If we look at this sensibly, phased in over  
5 time, we can create a document similar to what  
6 Representative Dunham was saying and what you're  
7 suggesting, that actually has your face on the voter  
8 registration card. I think it's a very sensible  
9 proposal and we have the technology to do it and I'd  
10 really like to work with you further on this.

11 REPRESENTATIVE HOBSON: Thank you. The things  
12 that I hear from my constituents at home, it's the same  
13 things that we all have heard for two days here. You  
14 have to show your ID to get on the airplane, you know,  
15 you have to show ID to do this, you have to show your ID  
16 to get a credit card.

17 I think this, with our photo ID on the card,  
18 sanctifies that voter, when he comes down here, that  
19 that's really something they need to do. And you know,  
20 the last time I went to Sam's Club, they took my  
21 picture; in about 15 minutes, they brought me back a  
22 document in about 15 minutes that I can use at Sam's  
23 Club all over the United States, and it's got the  
24 electronic stuff on there, and I think that our  
25 technology is here now that the state of Texas can do



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1 this, and certainly for the 98 percent that we talked  
2 about in some sort of expedient manner in some way that  
3 works.

4 NEW SPEAKER: Just a real quick question,  
5 Representative Hobson.

6 REPRESENTATIVE HOBSON: Yes.

7 CHAIRMAN: So without having read all this  
8 language, basically if I understand it correctly,  
9 instead of the burden being on the voter to obtain the  
10 voter identification, you're basically placing the  
11 burden on the government to provide the photo  
12 identification to the voter.

13 REPRESENTATIVE HOBSON: That is correct, it  
14 plays the burden on the Secretary of State's office.

15 CHAIRMAN: And is it a hard photo  
16 identification requirement or do you provide two  
17 alternative non-photo IDs?

18 REPRESENTATIVE HOBSON: No, no.

19 CHAIRMAN: If you're doing it this way, it's  
20 hard photo.

21 REPRESENTATIVE HOBSON: It doesn't say that at  
22 all, Mr. Chairman. It says, "The Secretary of State  
23 shall establish methods to obtain a photograph for each  
24 registered voter to use on the voter's registration  
25 certificate," and that's what used to vote with.



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1           You use this certificate that's got your  
2           identification on it and your photograph, that it's a  
3           document that the state of Texas produces that will  
4           protect the sanctity of the vote.

5           CHAIRMAN: And if you don't have that  
6           document, then you cast a provisional ballot, which is  
7           cured if you go somewhere within ten days and establish  
8           that your who you say you are?

9           REPRESENTATIVE HOBSON: That is correct, and  
10          there are several provisions in here. If you go to vote  
11          under this bill and you have your voter's identification  
12          with you now, the bill, the thing they send out now, you  
13          go in and your name is on that voters' list, just like  
14          we do now, you give them your voters thing and they say,  
15          "Oh, here, there you are," and they stamp.

16          If you do not have -- if you do not have that  
17          ability, and what we perceived is that that bill, that  
18          document that we're going to give them in the future  
19          will have your photo photograph on it.

20          If you don't have that with you, they will  
21          look on the voter's list and say, "Do you have any other  
22          form of identification?" And whatever the Secretary of  
23          State can come up with what we need to use, or this one  
24          says two other forms of identification, I believe, that  
25          will be provided.



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1           If you don't have any identification and your  
2           name is on the voter's thing, you will be able to sign  
3           an affidavit that you're who you say you are, and within  
4           ten days, you can come back and give them the document.  
5           You don't have to do a provisional, but you would have  
6           ten days to come back in and show an ID.

7           CHAIRMAN: So if you don't have the photo ID,  
8           you sign an affidavit, you cast a provisional ballot.  
9           If you do not go wherever you have to go, DPS --

10          REPRESENTATIVE HOBSON: In ten days.

11          CHAIRMAN: -- within ten days, then your vote  
12          does not count?

13          REPRESENTATIVE HOBSON: That is correct.

14          CHAIRMAN: Representative Anchia?

15          REPRESENTATIVE ANCHIA: And Mr. Hobson, one of  
16          the things you may want to think about, instead of  
17          making that a provisional is making it a regular  
18          ballot.

19          For example, if you're in this class of  
20          people, and I think that same letter that I gave you  
21          shows that there are about 809,000 Texans that did not  
22          put a driver's license number nor a Social Security  
23          number down on their voter registration card when they  
24          registered, so these are folks who may have limited  
25          access to documentation, I think the number is 809,041.



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1 If we use that kind of as a baseline of people who may  
2 not have documentation, that is a finite number, we know  
3 where they are. If they come and swear under penalty of  
4 perjury and before witnesses and have their photograph  
5 taken that they are who they say they are, would you  
6 allow them maybe to cast a regular ballot as opposed to  
7 a provisional?

8 REPRESENTATIVE HOBSON: I would be happy to  
9 work with this committee on any of that. What I want to  
10 do is a sensible, economic way to get a document that we  
11 can vote with that's issued by the state of Texas that  
12 contains all your information plus your photograph, and  
13 that's my desire here.

14 CHAIRMAN: Thank you, Mr. Hobson. Thanks for  
15 bringing it forward.

16 Any other questions?

17 NEW SPEAKER: Yes, Mr. Chairman.

18 CHAIRMAN: Yes.

19 NEW SPEAKER: Representative Hobson, I've held  
20 elections for about 20 years and (Inaudible) and he  
21 chose not to. (Inaudible.)

22 NEW SPEAKER: You may be the only one.

23 NEW SPEAKER: and I appreciate that. The  
24 problem with the ballot like this is (Inaudible) DPS  
25 take pictures within ten days, you're hanging the



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1 ballots (Inaudible.) You know, Senator Mike Jackson won  
2 his first election on 7 votes.

3 REPRESENTATIVE HOBSON: Let me just say in my  
4 experience in this, I won my last election on December  
5 the 23rd. That's when my opponent withdrew his election  
6 challenge. I had a recount after that. I won by 104.  
7 Then after the recount, I won by 121, so I'm very  
8 cognizant of how this works, but what we're trying to do  
9 on this is, what I'm trying to do is have a sensible  
10 economical way that we protect the integrity of the  
11 ballot, and whether we have to do it on provisional or  
12 whether we have to do it what, that's not really -- I'm  
13 giving the Secretary of State the ability to work a lot  
14 of this out.

15 NEW SPEAKER: I appreciate that. Let me just  
16 say that talking here about a driver's license and a  
17 concealed handgun license I don't like, because, for  
18 example, driver's license are renewed every six years.

19 NEW SPEAKER: What we need though is the  
20 photograph off of it, that's all we need.

21 NEW SPEAKER: Okay, as long as we don't put it  
22 on driver's license.

23 REPRESENTATIVE HOBSON: No, no, no, that's not  
24 mentioned in my bill at all.

25 NEW SPEAKER: It was in a different context.



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1 REPRESENTATIVE HOBSON: We can use the  
2 photograph off of them.

3 NEW SPEAKER: Right; I understand.

4 REPRESENTATIVE HOBSON: Yes, yes.

5 NEW SPEAKER: And you mentioned stamping, you  
6 vote and (Inaudible.) Voters certificates are only  
7 stamped in the primary. What was voiced earlier was  
8 there was some sort of ulterior motive of having voter  
9 ID (Inaudible.)

10 REPRESENTATIVE HOBSON: Respectfully, mine was  
11 stamped both times I voted.

12 NEW SPEAKER: In the general election?

13 REPRESENTATIVE HOBSON: In the general  
14 election, it says, "Voted."

15 NEW SPEAKER: (Inaudible.)

16 REPRESENTATIVE HOBSON: They stamp on ours  
17 "Voted," so when we go down and cast our ballot in the  
18 general election, they pull that thing down and it's  
19 upside down.

20 NEW SPEAKER: They have never stamped a voter  
21 certificate. They always do in the primary but not in  
22 the general.

23 REPRESENTATIVE HOBSON: Yes, we stamp ours  
24 with a D or R in the primary and then we stamp "Voted"  
25 in the general in my area. I don't know what -- that's



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1 just what we do.

2 NEW SPEAKER: I don't believe it is because we  
3 were never instructed to.

4 REPRESENTATIVE HOBSON: I'll bring you my  
5 card.

6 NEW SPEAKER: That's okay. Well, okay, that's  
7 fine. I wanted to get things clarified. It has never  
8 been a problem in the 20 years that I've held elections  
9 for a picture ID.

10 REPRESENTATIVE HOBSON: Right.

11 NEW SPEAKER: The problem has been when people  
12 don't vote, they consolidate voting locations and then  
13 people can't find where to vote because they try to save  
14 money to cut back and they get mad (Inaudible) that put  
15 ID has never been a problem.

16 REPRESENTATIVE HOBSON: And the reason why I  
17 bring up the photo ID so much is because I have  
18 constituents in both parties that say, "I go to Wal-Mart  
19 and when I give them a check, I got to show an ID," and  
20 say, "You know, I think we can fix that." So that's why  
21 I'm interested.

22 CHAIRMAN: Mr. Hobson, that's a good concept.  
23 We appreciate you bringing it to us. Representative  
24 Hefler.

25 REPRESENTATIVE HEFLER: One question. For the



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1 purpose of those like myself and representative Bohac,  
2 could you make it the size of a driver's license so it  
3 could fit in our wallet? Thank you.

4 NEW SPEAKER: With large print.

5 REPRESENTATIVE HEFLER: With large print, yes.

6 REPRESENTATIVE HOBSON: This was one that I  
7 thought about for a long time, and I think it may be  
8 harder than I think it will be in putting it together,  
9 but I think we have the resources and I think we have  
10 the desire to do that, and I think as the great state of  
11 Texas, we can, and I'm looking forward to working with  
12 you.

13 CHAIRMAN: Just throw that sucker in the  
14 Secretary of State's lap, right?

15 REPRESENTATIVE HOBSON: That's okay. They  
16 turn around pretty fast anyway.

17 CHAIRMAN: Representative Bohac.

18 REPRESENTATIVE BOHAC: I want to just say we  
19 got to unpack this thing because we're presented so many  
20 ideas and issues together. I want to unpack them one by  
21 one.

22 First of all, let me say this for the benefit  
23 of the committee. I believe this is a workable solution  
24 but I don't think it's the optimal but I think it is  
25 workable. Over the 8 years that Anchia and I have



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1 served on this committee --

2 REPRESENTATIVE ANCHIA: Six.

3 REPRESENTATIVE BOHAC: Six for him. This  
4 always comes back to number two, okay. The reason  
5 number one works, a photo ID, is because most people  
6 already have a driver's license and/or a Texas ID card.  
7 That's the point that's being missed here.

8 The target audience we're trying to reach,  
9 based on the testimony that we have heard over the  
10 years, is that there is a small segment of folks who do  
11 not have --

12 There's a finite group of folks that do not  
13 have. This committee is trying to come up with a  
14 solution that would help this finite group of wonderful  
15 citizens get a photo ID or be able to vote, if they  
16 chose not to get one, to have a different methodology.

17 REPRESENTATIVE HOBSON: I understand.

18 REPRESENTATIVE BOHAC: With the two other  
19 forms of ID. But having said that, there is a benefit  
20 to having a photo ID beyond voting. It was alluded to  
21 in early testimony yesterday that a photo ID will  
22 actually help people become more successful in the state  
23 of Texas and in the United States in general because,  
24 because it helps mainstream people, and so while I see  
25 the benefit, I think your's is the number two solution,



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1 because the number one solution is that it is reasonably  
2 -- it is, I think most members on this committee would  
3 agree that most people, that there is a finite set of  
4 people that do not have a Texas driver's license or an  
5 ID card. We need to figure out how to reach those  
6 people.

7 Now we heard testimony before your bill about  
8 this card. Well, the card, we got myopically focused on  
9 this card. That card is just communicating, a vehicle  
10 to communicate information. That information does not  
11 have to be communicated on that card, but that card  
12 does, on the other hand, contain very valuable  
13 information. It tells you where to vote. It tells you  
14 who you can vote for. So it's not -- it's almost like  
15 we're changing the subject and not making it about the  
16 card.

17 You could send out a letter that would  
18 accomplish the same thing when you register to vote and  
19 forget the card, okay, because a letter would say who  
20 you are, tell you where to go vote, what commissioner's  
21 precinct, state rep, state house, state senate and  
22 precinct and any other information they want to put on  
23 there, so we got --

24 You know, we're putting so many concepts  
25 together. I just want to say I like your bill. I think



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1 it is a number two solution. Number one would be just  
2 to use the ID that most people already possess, and also  
3 if we help them get a standard ID, I think they will be  
4 more likely to become successful and mainstream and feel  
5 more part of this great place we call home, which is  
6 Texas. And with that, I want to thank you.

7 CHAIRMAN: Go ahead.

8 REPRESENTATIVE HOBSON: Excuse me, when I  
9 started doing this, I checked a lot of stuff, and I  
10 can't tell you which state agency I checked with but I  
11 said how many fake drivers license do you think are four  
12 blocks up the road here, and they said probably in the  
13 range of 8 to 10 thousand. So within four or five  
14 blocks of our capitol, with all the kids that go to our  
15 universities, there's probably several thousands fake  
16 drivers license out there, and you know, so it became to  
17 me, I said, you know, if we're going to have to show  
18 identification, which could be our driver's license,  
19 let's make sure we get a real driver's license or let's  
20 make sure we've got a real -- we have something real  
21 that we can go vote for so that the people, and you run  
22 these elections, and a lot of times you run them  
23 shorthanded and you run people that are not experiences  
24 and you run all these people.

25 Don't make them make the big choices of who's



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1 eligible to vote. Let's do that up front and give a  
2 document so that he can go to his polling place and say,  
3 "Oh, yes, come on in, Mr. Bohac, we appreciate you  
4 coming to vote," and that's what I'm trying to do.

5 NEW SPEAKER: Isn't it ultimately, Chairman  
6 Hobson, why, in my view, this should be the plan A and  
7 not the plan B, is that this is, voting is a sacred  
8 right, and if government is going to infringe on that  
9 right, maybe the burden should be on the government to  
10 produce that new ID and give it to you rather than  
11 putting the burden on the voter to do, and that's why I  
12 like your proposal more than the others, because here it  
13 says, "Hey, Secretary of State, give them the photo ID,  
14 give them the secure document, give them the voter  
15 registration certificate at your cost." We can't do  
16 democracy on the cheap. You say, "Well, it costs  
17 money." Well if you're going to enfranchise people and  
18 do democracy, you got to spend a little money too.  
19 That's why I think you've got a good bill.

20 In that letter I just gave you, can you open  
21 it up to page three really quickly?

22 REPRESENTATIVE HOBSON: I lost it already.

23 NEW SPEAKER: You already lost it.

24 REPRESENTATIVE HOBSON: Yes.

25 NEW SPEAKER: In subsection five, it talks



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1 about people are falling in love with this 1.2 number or  
2 2 percent number for people who do not potentially have  
3 voter ID, but in the breakdown that we got from the  
4 Secretary of State, there are a couple of interesting  
5 observations about the voter file.

6 The number of people on the voter file, the  
7 statewide voter file that registered using their  
8 driver's license, 5,600,000 roughly. See where I'm  
9 reading from?

10 The number of voters who registered with a  
11 Social Security number but not a driver's license,  
12 250,000 roughly. The number of voters who did it with  
13 both, about 4 million, and the number of voters who  
14 didn't have either, about 809,000. So it's not an  
15 insignificant number of folks that we're talking about.  
16 Whether you use the \$150,000 to 400,000 that we heard  
17 yesterday or you use, or you can extrapolate from the  
18 numbers that you have, this is no joke.

19 I mean, these are people who are registered,  
20 these are Americans, these are Texans, and my view is if  
21 you're going to erect additional barriers, the  
22 government needs to be responsible for providing folks  
23 the ID, so I laud your, I laud your bill, and again,  
24 want to work with you. I think it makes a lot of sense.

25 NEW SPEAKER: Just to piggyback, if I can,



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1 Mr. Chairman, I agree with my friend Representative  
2 Anchia. If we want to shift the burden back to the  
3 state for helping you achieve that photo ID, I'm all for  
4 it, and if that takes some technology similar or some  
5 processes that we would use with your concept, I'm okay  
6 with it.

7 I think in general, we're all getting very  
8 close to saying similar things, and anyway, I'm glad  
9 Anchia is seeing it my way. Just kidding. I'm not hung  
10 up on a card or a piece of cardboard or a size. I think  
11 we've got people that are smarter than I in technology  
12 that can come up with it. You know, I don't want to put  
13 a chip in my elbow. You know, I think I'll draw the  
14 line there. But other than that, I think we can come up  
15 with something and we can come up with something that we  
16 can renew, and every year, we have to register, we can  
17 do that, and I think with technology, we can.

18 NEW SPEAKER: I think you have a great idea  
19 and I appreciate it. I know your heart is in the right  
20 place and you meant this to be very serious legislation  
21 to be considered by this body, and I appreciate that.

22 REPRESENTATIVE HOBSON: Well, I think Lois  
23 Bowles would be proud of me except she died a couple  
24 years ago. I mean a couple months ago. But thank you  
25 very much, and I'll close and give you the ability or



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1       whatever you want to do with it.

2               NEW SPEAKER: Let me say, I think that's  
3       really the issue that this committee has been struggling  
4       with throughout this testimony, is how we make sure that  
5       that 2, 4, whatever percent it is, percent it is,  
6       percentage of people who do not already have photo ID's  
7       have the documentation that is necessary to allow them  
8       to vote. And I think what the only objection that I  
9       heard from Representative Bohac to your concept was that  
10      he didn't see any purpose in providing 90 something  
11      percent of our constituents with an additional form of  
12      photo ID.

13              REPRESENTATIVE HOBSON: Right.

14              NEW SPEAKER: There's just no costs  
15      associated, no reason to do that, and I think we all  
16      agree that it is our responsibility to find a mechanism  
17      by which everybody has no unreasonable barrier to the  
18      ability to vote.

19              REPRESENTATIVE HOBSON: Right.

20              NEW SPEAKER: And of course, the Senate thinks  
21      they've come up with that. To the extent that we hear a  
22      lot of testimony that indicates that there are lots of  
23      people out there, like the homeless guy that had his  
24      back pack stolen, and I think we are all interested in  
25      taking that into consideration, but that is the



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1 question, is whether or not what the Senate has done is  
2 create a situation that is not available to that two to  
3 four percent, whatever it is, and that is, I think it's  
4 still an outstanding question. Where I'm not quite  
5 clear on the extent to which the answer is no, I'd like  
6 to see more evidence on that.

7 I heard one lady today said they might go to a  
8 private university. I think we can absolutely all agree  
9 to add that to the list. I think the question is how  
10 many voters are there that do not have in their  
11 possession today the documentation that would be  
12 required to vote under the senate bill.

13 REPRESENTATIVE HOBSON: Right.

14 CHAIRMAN: I haven't heard a lot of testimony  
15 from people who said there are people that fit that  
16 category. I'm very interested in testimony that would  
17 suggest that there are people out there who do not have  
18 that documentation.

19 Yes, Representative Hefler?

20 REPRESENTATIVE HEFLER: Mr. Chairman, maybe  
21 something to think about is we focus starting this on  
22 the two to four percent, the homeless guy, help  
23 Mr. Hester and his citizenry, others like that, and  
24 eventually phase it in.

25 I mean, if we're going to go to the real ID



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1 eventually, I'm not saying I don't oppose that, don't  
2 support it, but that's where we're headed, maybe that's  
3 something we can consider. You know, that way, we would  
4 spread the cost out over six, eight years, because  
5 everyone can still vote that has ID, they got the ID.  
6 We provide those that don't have an ID a means to do  
7 it.

8 We talked about voter registration trucks  
9 going around. We can have a photo thing on that truck  
10 and go to Radio Shack and spend \$500 and get everything  
11 we need to take the photo.

12 CHAIRMAN: Any other questions, members, for  
13 Representative Chairman Hobson? I don't hear any.

14 Would you like to close on, is it House Bill  
15 2513?

16 REPRESENTATIVE HOBSON: Yes, sir.

17 CHAIRMAN: Okay. Close.

18 REPRESENTATIVE HOBSON: Thank you, I close.

19 CHAIRMAN: At this time, members, it's the  
20 Chair's intention to leave House Bill 2513 pending. Are  
21 there any objections?

22 Hearing none, so moved.

23 REPRESENTATIVE HOBSON: Thank you very much,  
24 ma'am.

25 CHAIRMAN: Thank you, Senator Hobson. At this



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1 time, the Chair lays out House Bill 362 as pending  
2 business and I open so that we may hear additional  
3 witnesses on Senate bill, I said House Bill, Senate bill  
4 362.

5 At this time, the Chair calls Alice Micca or  
6 Mica -- I don't know if I pronounced that correctly --  
7 who is representing herself and testifying in favor of  
8 Senate bill 362.

9 Please state your name again on the record and  
10 who you represent.

11 MS. MICCA: Hello. My name is Alice Micca and  
12 I represent myself in support of SB 362. I'd just like  
13 to say that election results can be corrupted when  
14 inadequate safeguards are in place. Let me give you an  
15 example. March 4, 2008, precinct 52, Collin County  
16 caucus. In this caucus, ID's and registrations were not  
17 validated for all exhibits. The sign-in sheets were not  
18 controlled. At the end of the night, the exhibits were  
19 tallied, delegates were allocated. A few days later, I  
20 personally validated the results. Sheets were missing,  
21 including the sheet with my name. Of the 200 names that  
22 they were collected that evening, 94 were actually  
23 available for review, and based on this analysis, 14  
24 names on this list were ineligible.

25 This means the delegate allocation was skewed



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1 and basically my vote was cancelled, lost, whatever.

2 When you go to cash a check, board an  
3 airplane, use a credit card, you're required to produce  
4 a photo ID. A law requiring a photo ID would have  
5 allowed my vote to count.

6 I've heard some concerns expressed about the  
7 photo ID's being too hard on the voting public. I think  
8 we should ask some people like my father. He's a World  
9 War II veteran that served in the military until after  
10 the Vietnam war. We could ask our troops, who put their  
11 lives on the line every day. They sacrifice so that we  
12 have a choice. A photo ID would have ensured their  
13 sacrifice is not squandered or misused, and a photo ID  
14 would ensure the integrity of our election process and  
15 the validity of the results. I apologize for my  
16 nervousness. Thank you for listening.

17 CHAIRMAN: Members, are there any questions  
18 for the witness?

19 Thank you for your testimony.

20 The Chair calls Anita Privit, testifying or  
21 appearing to speak on behalf of the League of Women  
22 Voters. She is testifying against the bill and she does  
23 wish to testify. Is she here? Take your time. We see  
24 you back there. No problem. It's no problem.

25 Mrs. Privit, if you would introduce yourself



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1 and tell us who you're representing.

2 MS. PRIVIT: I hope my cell phone didn't throw  
3 things off.

4 Let's see, I was going to say, Mr. Chairman,  
5 but we seem to have lost the chairman. Members of the  
6 committee -- oh, you're the chairman. Okay.

7 CHAIRMAN: If you would introduce yourself.

8 MS. PRIVIT: I'm Anita Privit, representing  
9 the League of Women Voters of Texas. I'm pleased to be  
10 here today to express the League's support for full  
11 voting participation by all eligible citizens and our  
12 opposition to efforts to create new barriers that block  
13 citizen voter participation.

14 We believe that Senate bill 362 would turn  
15 back the clock. Excuse me, I'm out of breath. And  
16 erect unnecessary barriers to Texas voters. We want to  
17 be very, very clear, this is a bad bill. For more than  
18 89 years, the League of Women Voters has worked to  
19 educate the electorate. Registered voters make  
20 government at all levels more accessible and responsible  
21 to citizens.

22 Some had suggested that requiring a voter ID  
23 at the polling place will prevent voter fraud. Thanks.  
24 Sorry. We in the League do not share that view. Voter  
25 impersonation at the polling place has not been a



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1 problem in Texas or any place else that we can determine  
2 since the HAVA Act was implemented.

3 Actually determining whether a person matches  
4 their photo ID when it is presented can be a very  
5 subjective and open -- can be very subjective and open  
6 to discrimination.

7 Voter ID requirements disproportionately  
8 effect the elderly, young people, racial and ethnic  
9 minorities and persons with disability. This bill  
10 offers alternates types of documents, along with a voter  
11 ID, to establish a voter's identity.

12 Can we ensure that these requirements will be  
13 uniformly implemented across Texas so that all voters  
14 are qualified with the same results?

15 Lawfully implementing this bill will require  
16 significant expenditures of time and money to train  
17 election officials and temporary poll workers so that  
18 they will be able to understand how to do their job in a  
19 uniform manner. Laws that are not or cannot be  
20 uniformly enforced are unjust. Voting is our most  
21 fundamental expression of citizenship. The expansion of  
22 the franchise to include all Americans, regardless of  
23 race, ethnicity or sex is one of the great successes in  
24 the evolution of American democracy. Breaking down  
25 barriers to citizen voter participation with literacy



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1 tests to the poll tax has been a constant battle for  
2 those of us that believe that every citizen should be  
3 able to exercise their right to vote.

4 Let's work together to seek ways to improve  
5 voter participation in Texas instead of erecting  
6 unnecessary barriers to voting by passing this bill.

7 Thank you for the opportunity to share our  
8 views.

9 CHAIRMAN: Thank you very much for your  
10 testimony.

11 Committee members, do you have any questions  
12 for the witness? If not, thank you very much for your  
13 testimony. You did a fantastic job.

14 MS. PRIVIT: Thank you.

15 NEW SPEAKER: thank you, ma'am.

16 CHAIRMAN: The Chair now calls Kathy Hicks.  
17 She is testifying for herself and she is for the bill.  
18 Is Kathy here?

19 We'll call her back. We'll show her for the  
20 bill and not testifying.

21 The Chairs calls Joey Cardenes. It doesn't  
22 say who he's representing but it does say LULAC on  
23 here. I would check the box for you, if that's okay.

24 NEW SPEAKER: (Inaudible). I signed up late.  
25 Can I take his place (Inaudible).



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1 CHAIRMAN: Yes, I think you filled out a sheet  
2 already. Then you can gladly approach the podium. One  
3 moment.

4 NEW SPEAKER: Okay. Thank you. You found  
5 it? Okay.

6 CHAIRMAN: Be patient with us. We're looking  
7 for your witness affirmation form, okay?

8 NEW SPEAKER: Okay. I'm from San Antonio,  
9 Texas.

10 CHAIRMAN: And you did fill out a witness  
11 affirmation form?

12 NEW SPEAKER: Yes.

13 CHAIRMAN: We're looking for it. The Chair  
14 calls Angela Garcia. She is representing herself and  
15 she is against the bill, and if you would state your  
16 name and tell us who you're representing.

17 MS. GARCIA: Thank you. My name is Angela  
18 Garcia and I am -- I wear different hats, but this time,  
19 I want to represent myself as a precinct Chair. I  
20 belong to 2046 in Bexar County and Senatorial District  
21 26. I'm a very, very active precinct chair in my  
22 precinct. I have never, never -- I've been a precinct  
23 chair for 30 years. I have never heard of any  
24 impersonation. You know, I don't know why you all are  
25 doing this. You keep saying it happens but you cannot



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1 prove it. So then if it's not happening, then if it's  
2 not broken, don't fix it.

3 I think -- I think, I agree with a lot of the  
4 people that are against it. It's going to -- it's going  
5 to create -- as it is, we can't even get the people out  
6 to vote. I think for the first time, we got so many  
7 people this time, and then creating barriers and  
8 obstacles, and there's already a process, because if you  
9 forget your voter registration, you have to show an ID.  
10 They will not let you vote until you show that it's you,  
11 and I don't know, maybe because all Mexicans look alike,  
12 so they say. I think that was a cheap shot. But I  
13 thought I'd mention that.

14 But I think you really need to look at this  
15 seriously. It's going to cost a lot of money. Do we  
16 really need to spend that money in the crisis that we  
17 are? And so I think you really need to study this and I  
18 don't think we need to proceed with it.

19 My recommendation is that we're doing such a  
20 great job already in getting -- and we just finished  
21 training the seniors, most of the seniors how to use the  
22 machine, the touch machine. We just finished doing  
23 that.

24 They were so afraid of it, and they still  
25 don't get it because they vote, they vote just for one



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1 candidate and they forget about everybody else. So I  
2 thank you and I thank all the panelists. I think you  
3 all are doing a great job. Keep it up, working hard.  
4 I'm sorry but it has to be done. Thank you.

5 CHAIRMAN: Ms. Garcia, thank you. Members,  
6 are there any questions for the witness?

7 NEW SPEAKER: Just a quick one. Ms. Garcia,  
8 thank you for your service to this state in working the  
9 polls. I wish we could have more people willing to do  
10 that.

11 MS. GARCIA: I also take all the seniors to  
12 all the centers in Bexar County.

13 NEW SPEAKER: Thanks for helping the seniors  
14 in Bexar County.

15 MS. GARCIA: Yes, yes, definitely.

16 NEW SPEAKER: You testified that 30 years, no  
17 cases of voter impersonation. How often do you see the  
18 people who come to your polling place who are used to  
19 voting with their registration card and don't bring a  
20 license? They have been voting with their voter  
21 registration card 5, 10, 15, 20, 30, 40 years and they  
22 come to you and that's the piece of ID they have. Do  
23 you see that regularly?

24 MS. GARCIA: Yes. Sometimes there's a lot --  
25 I live in an old district in San Antonio, and a lot of



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1 times, like there was -- I think there was somebody that  
2 testified that they got divorced but they still have the  
3 same address but they have a different name, and a lot  
4 of times, they're not allowed to vote. Of course, I'm  
5 always -- I'm always overseeing it and, of course, they  
6 vote on that other ballots, and it doesn't count, but at  
7 least they got the satisfaction that they voted.

8 NEW SPEAKER: Yes.

9 MS. GARCIA: And they were allowed to vote,  
10 but, you know, it doesn't do any good. And also, in the  
11 names, you know, when you get an ID, because I just got  
12 an ID, my birth certificate says Angelita, and I sign  
13 everything Angela, so even at the airport, they look and  
14 look and look. I said it's in Spanish. So, you know,  
15 it's going to be difficult.

16 NEW SPEAKER: And you think that may create  
17 problems --

18 MS. GARCIA: Yes, it is.

19 NEW SPEAKER: -- in people not being able to  
20 vote on the regular ballot?

21 MS. GARCIA: Yes. You don't have to be  
22 Chinese, German. You know, they have different names.  
23 I've been in the United States. I mean, I was born  
24 here, I'm a second generation citizen, but, you know,  
25 our names, we were named with -- in fact, it was so



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1 funny, I always tell this story to everybody. We  
2 changed our name. When we went to our school, all  
3 Mexicans, when we went to high school, we decided to  
4 change our names so nobody would laugh at us, and that's  
5 when I became Angela.

6 NEW SPEAKER: Thank you for your testimony.

7 CHAIRMAN: Thank you very much. The Chair  
8 calls Kathy Hicks. She's representing herself. She is  
9 testifying for the bill.

10 Ms. Hicks, if you would state your name and  
11 tell us who you represent.

12 MS. HICKS: My name is Kathy Hicks and I'm  
13 from Texarkana, Texas, in Bowie County. I'm involved in  
14 ballot security and studying election irregularities in  
15 1992 and a poll watcher since 1996. There's been some  
16 discussion about the DAs across the state of Texas that  
17 have the lack of willingness to prosecute. You know,  
18 they do take a sworn oath to uphold the law and when  
19 they have individuals or groups of citizens that are  
20 well organized, well funded, and they know this, and  
21 they don't prosecute, that reminds me of the RICO act.

22 In my opinion, DAs should be brought to  
23 justice themselves for not upholding the law.

24 I have one of many signed affidavits relating  
25 to the absentee application process and ballots being



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1 sent to those that did not request them. I believe the  
2 passage of Senate bill 362 is a step in the right  
3 direction.

4 Earl and Reba Hines of Bowie County was killed  
5 in an automobile accident on Highway 59 but voted in  
6 person in the general election. Today's technology can  
7 easily reproduce a voter registration card, and after  
8 someone votes with your registration card, there's no  
9 paper trail and almost impossible to locate the  
10 impersonator after they leave.

11 Ira Stuart and Doris Miles stated that they  
12 did not request an absentee ballot by mail but received  
13 one. Copies will show Mr. Stuart's application, his  
14 first name is wrong and his signature does not match.  
15 Copies will also show Mr. Stuart's voter registration  
16 application has been altered to match the wrongful  
17 name. Mr. Stuart never voted his ballot.

18 Mr. Stuart and Ms. Miles stated a lady by the  
19 name of Willie Jay Ray came by their home, both their  
20 homes, when the ballots arrived. Ms. Willie Ray took  
21 the ballots with her when she left.

22 This bill could possibly prevent political  
23 activists and people such as Texarkana city council  
24 member Willie Ray from engaging in intimidation and  
25 influence and influencing and allow the living voter to



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1 be the only one to be able to vote in person or apply  
2 for a ballot by mail in the future.

3 The LBB reported the DPS would be prohibited  
4 from charging a fee for personal identification  
5 certificate for the sole purpose of voting, and since it  
6 would be free, everyone could afford it. And if it  
7 happened to cost the state a few dollars, well, it would  
8 be worth every penny. The integrity of the election  
9 process is worth more than any dollar amount.

10 My grandfather fought and many have died  
11 protecting our freedom. Our vote, which is our voice,  
12 it is the right to express each individual's freedom to  
13 elect the leader of his or her choice. Once lost or  
14 stolen, you can't replace it, you can't get it back, and  
15 I am in favor of the voter ID bill, and likewise, ask  
16 you to pass it.

17 CHAIRMAN: Ms. Hicks, thank you for your  
18 testimony. Members, are there any questions for the  
19 witness? If not, we thank you very much for your  
20 testimony. Have a safe travel back to Texarkana. My  
21 in-laws are from Texarkana. I love your accent.

22 MS. HICKS: It's good to get back over here.  
23 I'm a little winded, but thank you.

24 CHAIRMAN: The Chair now calls Jonathan Hill,  
25 representing himself. He is against the bill.



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1 Jonathan, if you would state your name and  
2 tell us who you represent.

3 MR. HILL: My name is Jonathan Hill. I'm  
4 representing myself. I'm from McLennan County. I'm a  
5 high school student so I guess I'm kind of representing  
6 that age group more than anything else. I'm also 17  
7 years old so I can't technically vote right now, but I'm  
8 trying to protect that, that issue for me personally.

9 I know for high school students, it can  
10 sometimes seem like voting is more of an adult game, I  
11 guess, that we're not really able to be involved in, and  
12 I know that regulation to youth seems to come across  
13 more and more as a negative thing, and especially for me  
14 personally and the students that I work with at my high  
15 school, we look at that kind of thing, and honestly, I  
16 have no problem with, with preventing voter fraud.  
17 That's not an issue to me at all, and I think that's  
18 something that's absolutely necessary and something that  
19 I think it's great that this committee is looking,  
20 that's looking to improve on, but as far as making  
21 something seem more -- I mean, this is seemingly a bill  
22 that would make this process more difficult for several  
23 different groups, including students.

24 And as the (Inaudible) of the Vice-President  
25 of the Texas Young Democrats said, she was talking about



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1 the issue with out of state students, and I think that  
2 was something you all talked about improving on the  
3 bill. This is going to be a process that's going to be  
4 very lengthy and very complicated for students that are  
5 out of state or even out of county, as she stated for  
6 herself, and that's going to be the same thing with me  
7 as I move from Galveston to McLennan County, so with  
8 that kind of thing, I found issues with the current  
9 system, trying to get kids in my school registered to  
10 vote.

11 Now to say to those kids, hey, now go get your  
12 Social Security card, or go get, you know, a utility  
13 bill, or something like that, to go register to vote,  
14 you're making a system more complicated for students  
15 that, that are, you know, trying to find ways to get  
16 into the system, you know.

17 They're not going to jump into a system that's  
18 requiring more than they're willing to put into it.  
19 That was a big issue for us trying to get students to  
20 vote and that's just an issue that I've had over the  
21 past year, trying to get students to register to vote in  
22 my school and to get those seniors that have that area  
23 of leadership to step up and be willing to vote, and  
24 whenever you increase restrictions or, you know, make it  
25 harder for them to register to vote and make that system



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1 more complicated, I mean, I'm not going to lie, we are,  
2 in McLennan County, we're one of the most conservative  
3 areas in the state, and you're telling these kids, you  
4 know, I'm a Democrat, and so I'm standing up to these  
5 kids, them knowing that I'm a Democrat and telling them  
6 to go register to vote.

7 I mean, it's hard enough to get them register  
8 to vote coming from my mouth, and there's no one else  
9 telling them to, so whenever I can't get them to do it  
10 now, it's going to be more complicated to do whenever we  
11 increase these restrictions.

12 CHAIRMAN: Mr. Hill, you understand we're not  
13 adding on anything to the voter registration process?

14 MR. HILL: It's just more complicated and it's  
15 going to be a whole lot more complicated to explain to  
16 them. I mean, obviously we've had plenty of issues  
17 today with some different views on this issue and it's  
18 complicated to explain in this room, you know, with  
19 representatives and with county officials and with  
20 polling place officials, it's hard to explain to people  
21 here exactly and get a clear idea of what we're doing,  
22 so think about that, taking that back to high school  
23 students that don't know much about the process and try  
24 to explain to them about why we're doing this.

25 CHAIRMAN: I want to thank you for your



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1 testimony, for driving up here, and, I mean, you ought  
2 to be applauded for that. That's terrific and very  
3 respectable. You're going to run for office one day.  
4 You did a very good job.

5 Members of the committee, are there any  
6 questions for this young man? Representative Brown?

7 REPRESENTATIVE BROWN: I'd like to commend you  
8 as well for taking time to come here and speak very well  
9 to us, and I appreciate it. Of course, I question some  
10 of your party affiliation, but I do commend you for  
11 doing this. There are few young people your age that  
12 can speak so well and are this involved and want to be,  
13 want to participate in the process, so I hope you will  
14 continue that and be an inspiration to others.

15 MR. HILL: Yes, ma'am.

16 REPRESENTATIVE BROWN: And I'm sorry, I missed  
17 the question over here, but aren't most of your -- don't  
18 most of your friends have driver's licenses?

19 MR. HILL: Well, actually, I would say about  
20 50 percent of them do. I mean, I don't think people  
21 realize exactly how few of the young adults, especially,  
22 I live in a rural area and that's where my precinct is  
23 too, and so a lot of those kids don't, there's nobody  
24 telling them they need driver's licenses, they don't  
25 have driver's licenses. I mean, that's just being



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1 honest.

2 REPRESENTATIVE BROWN: And I won't ask how  
3 many are driving without license.

4 MR. HILL: I have my license, so don't worry  
5 about that.

6 REPRESENTATIVE BROWN: And I think one thing  
7 that makes it seem more complicated is that we are  
8 considering every facet of it and how to deal with those  
9 people that don't have driver's licenses, which I feel  
10 like most of your friends will within another year or  
11 two. I hope so. But thanks again for being here.

12 MR. HILL: Yes, ma'am.

13 CHAIRMAN: Do you have questions, members, of  
14 this witness? Thank you. Thank you very much.

15 NEW SPEAKER: Thank you.

16 CHAIRMAN: I got a stack of witnesses here and  
17 I'm going to proceed as the clerk would like me to, but  
18 before this thing thins out any more, in order for us to  
19 fully consider the views of those people out here today,  
20 I want to give anyone who is here today and who has  
21 looked at the Senate bill language, both with regard to  
22 the list of photograph documents that are acceptable and  
23 the list of non-photographic documents that are  
24 acceptable and is prepared to testify, that you wouldn't  
25 be able to vote as a result of that list. I want to



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1 make priority for that person.

2 If there's anybody out there who is prepared  
3 to testify that are familiar with the list and that you  
4 wouldn't be able to vote as a result of that list. Is  
5 there anybody like that that's still with us at this  
6 late hour of the evening?

7 If not, I will proceed with the witnesses.  
8 Rusty Hicks, testifying in favor of Senate bill 362 and  
9 representing himself, please state your name and who you  
10 represent.

11 MR. HICKS: My name is Rusty Hicks. I'm from  
12 Bowie County in Texarkana, Texas. My friend and I drove  
13 about six hours here to testify in front of the Senate,  
14 and again today, we drove about six hours yesterday and  
15 stayed overnight to see you good folks that are doing  
16 such a great job here on the house.

17 I was ready to testify about specific evidence  
18 in Bowie County we have of people voting from vacant  
19 residencies. Also, I was here to be prepared to show  
20 evidence of sign-in sheets of that fact, exactly who is  
21 relevant of doing this type of things in Bowie County,  
22 but what I will have to do is cut it about half short of  
23 what I'm here to testify about because the Attorney  
24 General's Office has advised me not to engage, just like  
25 you good folks were advised, not to engage in current



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1 ongoing investigations.

2 I've been involved in ballot secure since  
3 1996. I've testified in front of grand juries on ballot  
4 fraud, especially in absentee ballots. I've been before  
5 the Texas legislature, (Inaudible) Sergio Munoz, in  
6 Dallas, Texas in 1996, and also I've turned in an  
7 investigation in 2004 that went before the Attorney  
8 General that got three indictments and convictions of a  
9 city council lady by the name of Willie Ray in  
10 Texarkana, Texas, in Bowie County, that ended up suing  
11 the Attorney General, the DNC and Attorney General for  
12 civil rights violations with, I guess, the purpose of  
13 denying the Attorney General's right or his duty to  
14 prosecute these laws that actually have been violated.

15 With that said, the current investigation we  
16 have that we are working on now is not just about  
17 absentee ballot fraud, it's about people voting from  
18 across -- we live in a twin city, Texarkana, Texas and  
19 Arkansas. In the '04 and '06 elections, where I was,  
20 basically '06 to '08, I was ballot security chairman of  
21 the Republican party of Bowie County. We witnessed  
22 Arkansas residents and Arkansas license plates coming  
23 into precincts across Texas, going in with voter  
24 registration cards, leaving, getting in Arkansas  
25 licensed vehicles and going back across state line.



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1 Poll watchers inside that we had were  
2 verifying that these people were voting. Now I can't  
3 give you these sign-in sheets. I did not bring those  
4 with me today, but what I can tell you is that after  
5 investigating, since 1996, absentee ballot fraud and  
6 mail-in ballot fraud and mail-in ballots, we have got  
7 convictions in Bowie County, they have been upheld, and  
8 they did result in causing the taxpayers hundreds of  
9 thousands of dollars, and it also cost the DNC. We had  
10 testimony it cost them about \$500,000 in the case of Ray  
11 vs. The State of Texas and the Attorney General of  
12 Texas. So when it comes down to absentee ballot fraud,  
13 I am pretty much very informed in terms of what it will  
14 take when it comes up in the future for you guys to work  
15 on problems with absentee balloting. You ask a lot of  
16 people what do you think it will take to take voter  
17 fraud and absentee balloting.

18 One thing it will take is active prosecution,  
19 not selective prosecution by DAs that we have in Bowie  
20 County or any other county. Thank you, sir.

21 CHAIRMAN: Did you say three convictions?

22 MR. HICKS: Three indictments, three  
23 convictions. They pled guilty to possession of mail-in  
24 ballots in Bowie County. Also not signing a witness,  
25 when you assist somebody on the application process.



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1 This is called the technical term of ballot harvesting  
2 in Bowie County. We have the epidemic of election fraud  
3 that everybody denies or everybody wants to see.

4 CHAIRMAN: Okay. And so you also described  
5 what you believe you witnessed, and that is voter  
6 impersonation, where people vote on both sides of the  
7 state line in Texarkana?

8 MR. HICKS: Yes, sir. I didn't say voter  
9 impersonation; where they are not eligible to vote in  
10 the state of Texas and people vote are from Arkansas  
11 into the state of Texas.

12 Now when it comes to the voter ID bill was  
13 actually to be involved in the actual testimony, this is  
14 the part of the testimony that I have been advised not  
15 to reveal but all I can give you is that we have people  
16 voting from residencies and addresses that no one lives  
17 in. And this is not just an isolated incident in Bowie  
18 County, and I have brought actual evidence of this that  
19 it does happen and it is a reality, but I'm reluctant to  
20 hand it to you as of this date.

21 CHAIRMAN: Sure, and I don't want you to, but  
22 are you representing that you believe you have witnessed  
23 yourself instances -- I'm trying to determine what  
24 you're alleging you've seen without getting details or  
25 specifics.



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1 Do you represent that there are people in your  
2 town -- and I'll just represent that there are some  
3 indication in the documents behind me and stuff that I  
4 had read this could have occurred in Kansas City, which  
5 is another city that's on a state line, where there  
6 might be a peculiar and particular temptation on the  
7 part of certain voters if they're really into a  
8 presidential candidate, for example.

9 MR. HICKS: Yes, sir.

10 CHAIRMAN: To try to get about twice as much  
11 representation as the rest of us.

12 Are you aware of that type of activity  
13 occurring in Texarkana?

14 MR. HICKS: As far as impersonating an actual  
15 voter, the incident that my wife testified to earlier  
16 was an uncle and aunt of my mother, actual residents in  
17 Bowie County that passed away in a car accident and  
18 actually voted, and the reason why we know this, because  
19 we do -- our kinfolk was also election judge for years  
20 and years, Ms. Betty Hines, and she was the election  
21 judge at that time, and they did, they did come up on --  
22 of course, she had clerks and alternate clerks and all  
23 that, and they did come up on the roll but she did not  
24 witness them being there. Apparently she was having  
25 lunch, or whatever, to the extent that she did not



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1 witness someone actually signing in the sign-in sheet,  
2 but the kin folk of ours were on the sign-in sheet and  
3 the election judge did witness the sign-in sheet, and  
4 also the assistant election judge, Mr. Roy Stinett, was  
5 there also and they had a wonderful conversation on how  
6 did this happen, because we were all directly kin to  
7 these folks.

8 Now as far as the voter ID bill goes and what  
9 I wanted to testify to would be, you know, if you have a  
10 proper accurate, it's not just only having a voter ID,  
11 in my opinion, it's having an accurate, legal and  
12 accurate current voter ID that would either make you  
13 eligible or ineligible to vote at a certain precinct.  
14 Whether you're voting from precinct to precinct you  
15 shouldn't be or you designate a legal residency that you  
16 actually have on your voter registration card, and those  
17 are hard to prove but they can be proven.

18 Election crimes can be investigated and can be  
19 proven. It takes a little hard work and some money to  
20 do it but it can be done.

21 CHAIRMAN: Any other questions, members?  
22 Representative Veasey?

23 REPRESENTATIVE VEASEY: Can you hear me okay?  
24 Because I'm kind of far away from this mic. Does it  
25 resonate okay?



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1 CHAIRMAN: I can hear you.

2 REPRESENTATIVE VEASEY: Mr. Hicks, I want to  
3 ask you a couple questions. What city do you reside in?

4 MR. HICKS: Texarkana, Texas.

5 REPRESENTATIVE VEASEY: Have you run for  
6 office in Texarkana before?

7 MR. HICKS: Yes, I have.

8 REPRESENTATIVE VEASEY: Were you successful in  
9 running?

10 MR. HICKS: No, sir, I haven't.

11 REPRESENTATIVE VEASEY: Is that the reason you  
12 have had past run-in's with Ms. Ray in the past?

13 MR. HICKS: I would not call that run-in's  
14 whatsoever. I am an Republican now, but in 1992, I ran  
15 as a Democrat candidate for county office back then, and  
16 that is where I learned the process of election fraud  
17 and absentee ballots, being inside the Democrat party in  
18 Bowie County. I can't speak for other counties across  
19 the state of Texas of what goes on there but I am very  
20 well aware of the process of ballot harvesting in Bowie  
21 County.

22 Now with that said, I've been very active in  
23 trying to get, you know, fair prosecution to whoever  
24 commits a crime in the election process. Whether they  
25 are R or D, it makes no difference to me.



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1 REPRESENTATIVE VEASEY: Let me ask you a  
2 question. Did you have a family member follow and  
3 photograph elderly election workers in their cars?

4 MR. HICKS: No.

5 REPRESENTATIVE VEASEY: You have never done  
6 that?

7 MR. HICKS: No.

8 REPRESENTATIVE VEASEY: Did you hire a private  
9 investigator to go to the homes of voters and  
10 interrogate them about voting?

11 MR. HICKS: In 1996, I did hire a private  
12 investigator out of -- Joe Horne out of Dallas, Texas,  
13 American Investigators International out of Dallas,  
14 Texas to go in, we sent to certain addresses that we  
15 looked of election fraud on the application process.  
16 That's where you first identify election fraud. And we  
17 sent him in to interview, for the purpose of taking the  
18 interviews and the investigation over to the current  
19 DA. That's what resulted in the grand jury of 1996,  
20 which is where the one of the places that I did testify  
21 about election fraud.

22 REPRESENTATIVE VEASEY: So you did hire a  
23 private investigator to go and interrogate voters. Did  
24 you call the police on a poll watcher who threatened to  
25 call the NAACP?



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1 MR. HICKS: There was an incident over at the  
2 Lincoln Street voting precinct, and this is the same  
3 voting precinct where we was -- the poll watcher was  
4 witnessing the Arkansas plates coming and voting and  
5 leaving and going back to Arkansas, the residence  
6 issue.

7 There was an incident of a poll watcher being  
8 threatened, just because he was there as a poll watcher,  
9 and yes, there was a phone call made to protect the poll  
10 watcher from any violent harm is what it was.

11 REPRESENTATIVE VEASEY: So someone called a  
12 poll watcher, threatened to call, somebody called the  
13 police on a poll watcher and threatened to -- you did,  
14 you called the police on the poll watcher, just because  
15 they threatened to call the NAACP?

16 MR. HICKS: No, it had nothing to do with  
17 that. What it was, was a poll watcher was being  
18 threatened by people that was in the voting place who  
19 actually really shouldn't have been there at all -- they  
20 wasn't even voters -- being threatened because he was  
21 there overlooking the process. That's all that was  
22 about.

23 REPRESENTATIVE VEASEY: Okay. So you're  
24 saying --

25 MR. HICKS: That was pretty much mistaken



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1 identity of anything, as far as that goes.

2 REPRESENTATIVE VEASEY: Did you ever use poll  
3 workers to disrupt polling locations?

4 MR. HICKS: Oh, absolutely not. Poll watchers  
5 is there for a reason, they're to observe, and this is a  
6 violation. Their job is to bring a violation to the  
7 attention of the election judge.

8 REPRESENTATIVE VEASEY: Have you ever  
9 presented yourself or represented yourself as working on  
10 behalf of the Attorney General of Texas, Greg Abbott?

11 MR. HICKS: No, sir, I never have. That come  
12 from an election administrator in Bowie County.

13 REPRESENTATIVE VEASEY: You never told anybody  
14 you were assisting the Attorney General?

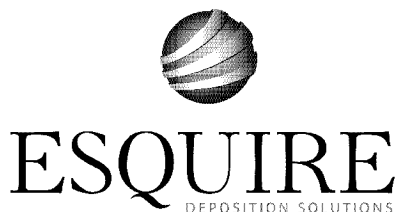
15 MR. HICKS: In all actuality, I have assisted  
16 in the investigation that caused the indictments, the  
17 investigation that caused the grand jury and got the  
18 actual --

19 REPRESENTATIVE VEASEY: Are you a licensed  
20 attorney in the state of Texas.

21 MR. HICKS: Oh, absolutely not.

22 REPRESENTATIVE VEASEY: So you know that you  
23 cannot say that you're with the Attorney General's  
24 office.

25 MR. HICKS: I didn't say I was with. I said I



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1 assisted. When you do an investigation and you turn it  
2 over, that is some assistance, and without that kind of  
3 assistance from individuals or experts or ballot  
4 security people, you would not have any convictions or  
5 any integrity as far as looking into any kind of  
6 election process.

7 REPRESENTATIVE VEASEY: Have you ever been  
8 accused of illegally serving as a poll watcher?

9 MR. HICKS: Yes, I've been accused, and I know  
10 --

11 REPRESENTATIVE VEASEY: Why? Why were you  
12 accused of illegally serving as a poll watcher?

13 MR. HICKS: Well, that was pretty much a  
14 misunderstanding. It was a city race to where Mrs. Ray  
15 was running for, a city council race. Okay, with that  
16 said, there was a lady that had asked me to poll watch,  
17 which Ms. Barbara Adams was a candidate, which we also  
18 supported, which was an African American also, a real  
19 nice lady that deserved the job too.

20 Okay, we would go up to the city council and  
21 she signs us in as poll watchers, and there was -- we  
22 considered we had a gray area where it was kind of  
23 called to our attention, and we made a phone call to the  
24 Secretary of State and it was -- Let me see. One of the  
25 largest Secretary of State's, and he said this is a gray



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1 area. We probably advise that you do not be poll  
2 watchers. But I will tell you this, I did not falsify a  
3 government document. I put down my correct and current  
4 and legal accurate address where I lived, presented it  
5 to the county clerk before we did do a little bit of  
6 poll watching.

7 REPRESENTATIVE VEASEY: But you were illegally  
8 serving as a poll --

9 You weren't supposed to be a poll watcher at  
10 the poll that you were working at, right?

11 MR. HICKS: Well, that's kind of a gray area  
12 at this point in time. When it was observed, the  
13 Secretary of State's attorney said it's a gray area, you  
14 really shouldn't be there, because the law did not say  
15 the city of your voting jurisdiction or if you live in  
16 the -- it didn't say that you had to live in Ward 2,  
17 put it that way, exactly, so we had to get  
18 clarification.

19 REPRESENTATIVE BROWN: Excuse me.

20 REPRESENTATIVE VEASEY: I just have one more  
21 question, Representative Brown.

22 REPRESENTATIVE BROWN: Excuse me, Mr. Hicks,  
23 Mr. Hicks, if I could, Mr. Hicks, you are not on trial  
24 here. You're here to testify on whether or not you're  
25 for or against. Do not answer any more of these



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1 questions.

2 REPRESENTATIVE VEASEY: Ms. Harper-Brown, he  
3 needs to answer them.

4 REPRESENTATIVE BROWN: He's here to testify  
5 for or against the bill, not on his bad rap.

6 CHAIRMAN: Members, members, members.  
7 Please. Is there anything else that you would like to  
8 say in testifying before the committee today?

9 MR. HICKS: Only that obviously I'm for the  
10 voter ID bill and ballot security. That doesn't take  
11 away anybody's absolute right to vote. It can only  
12 upgrade the integrity of the election process, and  
13 that's why I'm here today, is because we, we are --

14 I will say this. Election fraud in Bowie  
15 County begins in the Democratic primary, Democrat on  
16 Democrat. All the evidence that's ever been produced to  
17 any agency whatsoever was from the Democrat primary, not  
18 a general election. I will tell you that.

19 With that said, I aptly support and help  
20 candidates on both sides of the aisle, and I think  
21 that's what any good person should do, and I'm here to  
22 give this testimony. I wished I could give it all to  
23 you, but maybe when it comes back to absentee balloting  
24 and the remedies for what we're having problems with, I  
25 would be more than happy to come back and see if I can



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1 assist in any way in remedies for absentee by mail  
2 balloting, because that's where I have most experience  
3 in looking at.

4 REPRESENTATIVE VEASEY: Just a couple more  
5 questions in closing.

6 CHAIRMAN: Okay, I've given you a lot leeway,  
7 Lamar.

8 REPRESENTATIVE VEASEY: I know. Just a couple  
9 more questions in closing.

10 CHAIRMAN: As long as it stays in the proper  
11 time.

12 REPRESENTATIVE VEASEY: I appreciate that.  
13 You're very familiar with Mrs. Willie Ray.

14 MR. HICKS: Yes, sir.

15 REPRESENTATIVE VEASEY: You've known her for  
16 awhile, and I think there was someone that came up and  
17 testified.

18 MR. HICKS: Sure, anybody in Bowie County is  
19 familiar is with who are our elected officials, anybody  
20 that cares about the election process, yes, sir.

21 REPRESENTATIVE VEASEY: Absolutely,  
22 absolutely. And so you're aware and can state for  
23 everybody that's here today that Ms. Ray was exonerated.

24 MR. HICKS: Exonerates from what?

25 REPRESENTATIVE VEASEY: From the charges that



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1       you've been alleging.

2               MR. HICKS: She was indicted and she pled  
3       guilty.

4               REPRESENTATIVE VEASEY: And she was  
5       exonerated, correct?

6               MR. HICKS: Does probation and fine --

7               REPRESENTATIVE VEASEY: Everybody in Bowie  
8       County knows each other, so I think you can state for  
9       the record, and just like you said, small town and  
10      everybody knows each other. She was exonerated,  
11      correct?

12              MR. HICKS: I think that's a matter of your  
13      opinion. Convicted and pled guilty to a crime with --

14              REPRESENTATIVE VEASEY: Was she exonerated?

15              CHAIRMAN: Let him finish the answer. You  
16      asked the question was she exonerated. Let the witness  
17      answer the question.

18              MR. HICKS: Adjudicated, not exonerated. She  
19      was convicted, pled guilty and had a \$200 fine and did  
20      not have any jail sentence. She was on probation for a  
21      year.

22              REPRESENTATIVE VEASEY: She was later  
23      exonerated, Mr. Chairman, just for the record.

24              MR. HICKS: That's not exonerated.

25              CHAIRMAN: Okay, any other questions, members,



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1 for this witness? Thank you, Mr. Hicks.

2 MR. HICKS: You bet.

3 NEW SPEAKER: (Inaudible).

4 CHAIRMAN: Okay. Well, what's your name?

5 MR. TYSON: My name is Tyson, James Tyson.

6 CHAIRMAN: James Tyson.

7 MR. TYSON: (Inaudible.)

8 CHAIRMAN: Dick Tyson. I'm going to take a  
9 second and try to find your witness form.

10 You filled one out, I take it?

11 MR. TYSON: Yes.

12 CHAIRMAN: We found it. It was at the bottom  
13 of the stack.

14 MR. TYSON: I'll wait.

15 CHAIRMAN: No, I want to give you that  
16 opportunity. We'll hear from you. Was this a cheap  
17 trick to get in front of the line?

18 MR. TYSON: I hope not. Mr. Smith,  
19 Representative Smith, Mr. Chairman, I appreciate what  
20 you all do.

21 CHAIRMAN: Please state your name.

22 MR. TYSON: My name is James Richard Tyson.

23 CHAIRMAN: You represent yourself.

24 MR. TYSON: And I'm representing myself and I  
25 live in Alvin.



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1 CHAIRMAN: And you're testifying against?

2 MR. TYSON: I'm testifying for a voter ID. I  
3 mean, I'm testifying with modifications that one of my,  
4 your first witness has been a long time friend and he  
5 testified --

6 CHAIRMAN: Just be clear for the record --

7 MR. TYSON: In other words, there's a pro and  
8 a con.

9 CHAIRMAN: Just to be clear for the record, as  
10 it's presently written, you're against it?

11 MR. TYSON: I'm firmly against it. As I  
12 understand it, it will erase my rights to run for public  
13 office and vote. That's rather serious to me.

14 CHAIRMAN: Okay, tell us why you think that's  
15 the case. Help us why you don't think you will be able  
16 to vote.

17 MR. TYSON: First about myself, I have lived  
18 in Alvin. My parents married there. You know, I  
19 volunteered for the service, volunteered in the party  
20 for many years.

21 I'm proud of the fact that one of our former  
22 chairman of our parties said I was the best volunteer in  
23 Texas. I've worked in every election, probably in our  
24 party since the '40s. I distinctly remember the '48  
25 election, and I really resent the fact that we are in



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1 this position. In my opinion, we have two parties that  
2 have dug in so deep they don't even know where they're  
3 at.

4 This is a major issue with me. I've been run  
5 off the polls as a kid by other kids. You go home  
6 crying, you come back. I have been in two knock down  
7 drag out fights at the polls. I don't like it. It's no  
8 fun. I don't like to be hostile. That's no fun. I  
9 respect what you do and the time you put in and the  
10 torture your families go through because you're up  
11 here. I understand all that.

12 When I got out of the Marine Corps in '60,  
13 politics in Missouri County had gone sour. My  
14 grandfather was a chair in the '50s. We elected a  
15 senator and a state rep. I thought my job was to keep  
16 them here. They were doing a good job.

17 I officed with one of them when he was Dean of  
18 the Senate. I've been through Deans of the house, I've  
19 been drug out of the capitol. The last session was the  
20 Dean of the house. I was in his office. I had a key.  
21 It used to be the offices of this capitol belonged to  
22 the representatives and the senators. Those were their  
23 offices. There was no keys to the capitol. The  
24 constitution let us walk in and out. Also, the  
25 courthouse.



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1 Now we're in the position we're going back to  
2 carpetbagger days, where some Texans can vote and some  
3 Texans can't vote, and the State Police, you're going to  
4 give the State Police the right to let us vote. Is that  
5 what I'm hearing? That's carpetbagger days. That's who  
6 can vote and who can't.

7 If you were a Texan, by God, you couldn't vote  
8 for ten years. A hundred years later, we started  
9 electing Republicans. Now they're back. I'm a  
10 Democrat. That doesn't mean anything. I'm in a county  
11 that was most Democratic county in this state when  
12 grand-daddy was chairman. Now it is the most Republican  
13 county in this state. Things go around. We meet  
14 ourself coming in the door, but the bill itself, where  
15 we're at, why can't we just -- I hear all the  
16 testimony.

17 Why is it we got a voter -- the state has a  
18 picture of most of the voters. Why don't you just send  
19 us a voter ID with that picture on it? And four years  
20 later, four years later, for the next presidential  
21 election, there may or may not be legislation, but kick  
22 it in then and put Texas not behind the curve,  
23 Mr. Chairman, don't let us drag the rear end of this  
24 country, put us ahead, do something that makes some  
25 sense. I think you can.



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1 CHAIRMAN: Okay, thank you.

2 MR. TYSON: And there's a lot of other issues  
3 you've heard but I think you can get it done.

4 CHAIRMAN: Okay. Thank you. Now we've got  
5 time for questions. I want you to stay there because  
6 I'm really wanting to find -- I want to determine if you  
7 are someone who would be --

8 MR. TYSON: I'd like to know too.

9 CHAIRMAN: And we'll know. Do you have a  
10 driver's license?

11 MR. TYSON: No, sir.

12 CHAIRMAN: And why don't you have a driver's  
13 license.

14 MR. TYSON: Well, I don't drive very well is  
15 one reason. Why should I? I've learned to ride a  
16 bike. I got my back pack.

17 CHAIRMAN: How long have you not had a  
18 driver's license?

19 MR. TYSON: About three, four years.

20 CHAIRMAN: Well, I shouldn't ask you, don't  
21 give us the detail, but is it a result of some sort of  
22 medical disability?

23 MR. TYSON: That's questionable.

24 CHAIRMAN: Well --

25 MR. TYSON: I get a 20 percent disability from



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1 the VA.

2 CHAIRMAN: Okay.

3 MR. TYSON: I got no other disability. I  
4 have, I realized in '80, after coming home from -- no,  
5 in '76, after coming home from the national convention,  
6 I had a problem. For five days, I didn't sleep. I  
7 couldn't figure out what the problem was. I was later  
8 diagnosed as a manic, so there is a medical problem.

9 CHAIRMAN: Okay.

10 MR. TYSON: But that doesn't have a lot to do  
11 with whether I can vote or not.

12 CHAIRMAN: No.

13 MR. TYSON: And the issue is, I just got  
14 sued. I was on the ballot this last election in  
15 Missouri County.

16 CHAIRMAN: Yes.

17 MR. TYSON: If you want to find voter fraud,  
18 it isn't fraud, it's just a question of this group  
19 against that group.

20 CHAIRMAN: Do you mind me asking you how old  
21 you are?

22 MR. TYSON: I don't mind. As you say, I'll  
23 never see 60 again. You get a cue card in Houston and,  
24 you know, I've have got some voter ID. I don't mind you  
25 looking at them. I don't mind you going through the



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1 billfold. I'm not here to have any secrets.

2 You know, I was elected president of the  
3 Missouri County City Association, the only person in our  
4 community to ever do that and it's been there 30 years.

5 CHAIRMAN: Do you have another form of --

6 MR. TYSON: I've got an ID. They give me one  
7 from the Veterans. You go in there and they give you  
8 one when you start drawing disability.

9 CHAIRMAN: Yes. Is it a photo identification?

10 MR. TYSON: Yes, but it's from --

11 CHAIRMAN: But it's from the Veterans  
12 Association.

13 MR. TYSON: No, it's from --

14 As I understand it, it doesn't qualify but  
15 you're welcome to look at it. There's a key card. I've  
16 got different cards. Why isn't my voter registration  
17 good enough to let me vote, Mr. Chairman?

18 CHAIRMAN: Well, we're trying to answer the  
19 question that allowed you to go to the front of the mic.

20 MR. TYSON: There's two voters ID's that I'm  
21 carrying. There is a credit card and some other --

22 CHAIRMAN: They can't hear you. Go ahead. I  
23 don't mean you to leave your billfold with me. That  
24 could be dangerous. My understanding is that you do  
25 have --



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1 MR. TYSON: Well, my money is in the other  
2 one, so that's just a card.

3 CHAIRMAN: You have a valid identification  
4 card that contains your photograph and is issued by an  
5 agency or institution of the federal government?

6 MR. TYSON: I assume that the Veterans  
7 Administration is --

8 CHAIRMAN: Federal government.

9 MR. TYSON: I get a check from them every  
10 month that I'm happy with.

11 CHAIRMAN: And again, we didn't determine your  
12 exact age, but that document allows you to vote without  
13 any other document, okay. Now if that document didn't  
14 allow you to vote --

15 MR. TYSON: I beg your pardon.

16 CHAIRMAN: If that document didn't allow you  
17 to vote, then you would go to the list of non photo  
18 identifications, and there's a number of things you  
19 could vote with in addition to your voter registration  
20 card, one of which is a Medicare card.

21 I don't know if you've reached 65 or not, but  
22 there's a long laundry list of documents that would work  
23 that do not have a photo identification, but I think the  
24 primary purpose for which I allowed you to testify in  
25 front of everybody else --



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1 MR. TYSON: I appreciate that, but if I lose  
2 those cards, I'm in deep water on it.

3 CHAIRMAN: I just think it's important --

4 MR. TYSON: I mean, it takes months to get  
5 them back.

6 CHAIRMAN: I just think it's important for  
7 everybody to know that we haven't had a witness yet in  
8 24 hours that has said, "I can't vote pursuant to the  
9 Senate bill because of the documents that are provided,"  
10 and I'm very sensitive to and interested in hearing from  
11 those people, but I'm just wanting to point out that we  
12 haven't heard from them yesterday.

13 MR. TYSON: Well, I appreciate the chance that  
14 they didn't write me out.

15 CHAIRMAN: Yes.

16 MR. TYSON: But when I used to be able to  
17 vote, I could walk into the precinct here, that I happen  
18 to have something to do with put -- I mean, the election  
19 judge, and since I had appointed him as precinct chair,  
20 they knew me in that precinct. It used to be the rules,  
21 Mr. Chairman, where your precinct judge had to be from  
22 the precinct, that the election in the city had to be  
23 within the city.

24 When Hart Graphics codified the election code,  
25 it wasn't this wide, it was a little book. It's tough



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1 out there. The identification is necessary for the  
2 people working the polls. The people working the polls  
3 need to be able to get their job done.

4 If we had it on the computer, I walk in and  
5 say my name is, and they type it in and up pops my  
6 picture with my information, which is easy. Why can't  
7 we do that.

8 CHAIRMAN: Let's give you an opportunity to  
9 respond to any questions the members might have. Any  
10 questions of Mr. Tyson, members? Any questions?

11 Thank you. Thank you very much for your  
12 testimony. I appreciate it.

13 At this time, the Chair calls Gilberto  
14 Hinajosa. He had to leave. I will show him as not  
15 testifying but against Senate bill 362, and representing  
16 himself.

17 This time, the Chair calls Crystal  
18 Molina. Are you here with us, Crystal? I don't see  
19 Crystal. Will indicate that she was representing Brown  
20 County Election Administration and Voter Registration  
21 and is against Senate bill 362, and show her not  
22 testifying.

23 At this time, the Chair calls Bea Whitlock.  
24 Come on down. I feel like Bob Barker.

25 MS. WHITLOCK: Good evening.



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1 CHAIRMAN: Please state your name and who you  
2 represent. You're here to testify for Senate bill 362,  
3 is that correct?

4 MS. WHITLOCK: Yes.

5 CHAIRMAN: State your name and who you  
6 represent.

7 MS. WHITLOCK: My name is Bea Whitlock. I'm  
8 from Mission, Texas, in Hidalgo County.

9 CHAIRMAN: And you're speaking on behalf of --

10 MS. WHITLOCK: Of OWLS, which is Objective  
11 Watchers of the Legal System.

12 CHAIRMAN: Okay. Thank you. Please proceed.

13 MS. WHITLOCK: Now I consider myself a senior  
14 citizen. I'm not in a nursing home yet, and I hope I  
15 won't be for awhile, but I don't have any problem going  
16 anywhere to vote.

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2 STATE OF TEXAS )

3 I, Lynne Rodriguez, Certified Shorthand Reporter in  
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5 following:

6 That the CD entitled, "Texas House of  
7 Representatives Committee on Elections, 4-8-2009,"  
8 was transcribed at the request of Anne Wilson, 209  
9 West 14th Street, Attorney General's Office, Austin,  
10 Texas 78701, and the amount due is \$\_\_\_\_\_.

11 That the aforementioned CD was transcribed  
12 to the best of my ability to hear and understand the  
13 CD;

14 That the transcript was submitted by  
15 E-trans on April 16, 2012, to Anne Wilson, 209 West  
16 14th Street, Attorney Generals' Office, Austin,  
17 Texas 78701;

18 I further certify that I am neither  
19 counsel for, related to, nor employed by any of the  
20 parties or attorneys in the action in which this  
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Hearing - Volume 3

April 7, 2009

345

TEXAS HOUSE OF REPRESENTATIVES  
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APRIL 7, 2009  
VOLUME 3

Transcribed by Jean Thomas Fraunhofer, CSR

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TX\_00034062

1 MS. WHITLOCK: (Continued) If I was at a  
2 nursing home, someone would take me. I think everyone  
3 should have a right to vote. If I know there's going to  
4 be an election, I get all my papers and files  
5 immediately and have them ready to go and vote, and  
6 everyone needs to be responsible for themselves and not  
7 depend on someone else to do everything for them, and  
8 we're just for good elections, and that's all we want  
9 and good politics. Thank you.

10 CHAIRMAN SMITH: Any questions, members,  
11 of Ms. Whitlock?

12 REPRESENTATIVE BROWN: If I may comment?

13 CHAIRMAN SMITH: Representative Brown.

14 REPRESENTATIVE BROWN: Ms. Whitlock, thank  
15 you so much --

16 MS. WHITLOCK: Yes.

17 REPRESENTATIVE BROWN: -- for being  
18 patient with us and waiting to testify. Yes, you've  
19 been here for two days.

20 MS. WHITLOCK: Yes.

21 REPRESENTATIVE BROWN: You used a word  
22 just now that I -- I think we don't discuss enough and  
23 that was responsibility.

24 MS. WHITLOCK: Yes.

25 REPRESENTATIVE BROWN: You know,



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1 regardless of what we do and how far we go to try to  
2 make it easy for everyone, there still remains some  
3 responsibility on the part of the voter.

4 MS. WHITLOCK: Yes.

5 REPRESENTATIVE BROWN: Don't you agree?

6 MS. WHITLOCK: Yes. I'm sorry. I do.

7 REPRESENTATIVE BROWN: I just think  
8 sometimes we just feel like that we can do every -- do  
9 everything for everyone --

10 MS. WHITLOCK: We can't. We've got to  
11 be --

12 REPRESENTATIVE BROWN: -- and it's just  
13 not possible.

14 MS. WHITLOCK: Do things for ourselves  
15 once in a while.

16 REPRESENTATIVE BROWN: That's right.  
17 Thank you.

18 MS. WHITLOCK: Okay.

19 CHAIRMAN SMITH: Any other questions for  
20 Ms. Whitlock, members? Thank you very much.

21 MS. WHITLOCK: Thank you.

22 CHAIRMAN SMITH: I know you've been with  
23 us for a long time.

24 MS. WHITLOCK: Yes.

25 CHAIRMAN SMITH: Thank you. At this time



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1 the chair calls Elaine Adkison, and you're representing  
2 yourself testifying against Senate Bill 362; is that  
3 correct?

4 MS. ADKISON: Yes, sir.

5 CHAIRMAN SMITH: Give us your name for the  
6 record.

7 MS. ADKISON: Elaine Adkison.

8 CHAIRMAN SMITH: Please proceed.

9 MS. ADKISON: Okay. Mr. Chairman, ladies  
10 and gentlemen, thank you for letting me participate  
11 today. My name is Elaine Adkison. I live in  
12 Nacogdoches, and after the sea of red that -- that I've  
13 seen today, I felt right at home. I work on political  
14 campaigns all across east Texas, and I'd like to visit  
15 with you today briefly about my experiences.

16 I interact with voters and county clerks  
17 and voters registrars on a daily basis. Part of my job  
18 is to persuade people to vote. I fought voter apathy,  
19 complacency, and cynicisms everyday. Instead of  
20 encouraging people to vote, this bill will proceed yet  
21 another impediment to that effort. I can assure you I  
22 have heard all the excuses for not voting. I forgot my  
23 dog ate my voter registration certificate. The most  
24 dreaded for Democrats, it was raining outside or the  
25 most common, my vote doesn't count. And there have been



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1 plenty of what in the world were they thinking moments  
2 too. You only have to participate in a recount in east  
3 Texas to understand what I'm talking about with that,  
4 and it just doesn't take much to confuse some voters,  
5 I'll just tell you that.

6 In one county, White-Out was used on early  
7 voting ballots not by the voter. In another county,  
8 electronic voting machines registered suspect results,  
9 but not because of the voter. You of -- All the excuses  
10 and voting anomalies I've encountered, none included the  
11 express concerns that my may be stole -- my voter  
12 registration card from my mail box, down to baseball  
13 cap, sunglasses and a trench coat and self-lingering  
14 around polling locations and impersonating me.

15 I personally went in February to renew my  
16 driver's license. I had to pay \$24. \$24. I'm a single  
17 working mother. That's a tank of gas for me. But I  
18 paid that fee because driving's a privilege, and there  
19 is a cost attached to that. But Representative Veasey  
20 is right. Voting's a right, and that price has already  
21 been paid.

22 Just today we've identified additional  
23 problems not addressed by this bill and solutions  
24 offered by others. So why rush this bill to law. Why  
25 not sunset it and study the unique effects to Texas, not



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1 for other states. We all admit there are inadequacies,  
2 but this bill as it's written does nothing to address  
3 those. There has to be a reasonable solution. I think  
4 we've heard some of them today. Thank you.

5 CHAIRMAN SMITH: Any questions of  
6 Ms. Adkison, members?

7 UNIDENTIFIED SPEAKER: Just a quick one,  
8 Mr. Chairman.

9 CHAIRMAN SMITH: Sure.

10 UNIDENTIFIED SPEAKER: Thank you for your  
11 patience and your testimony today. I know you've come a  
12 long way. I think you hit on something really  
13 important, and I think something that no Texan really  
14 can be proud of and that's that this state ranks  
15 consistently in the bottom 10 percentile or the bottom  
16 10 states in terms of voter participation.

17 MS. ADKISON: Yes, sir.

18 UNIDENTIFIED SPEAKER: When I sit on the  
19 elections commission, I think we're going to be coming  
20 up with ideas that are going to be innovative and  
21 creative about how we expand the number of people that  
22 come to vote because the fewer people that vote in my  
23 view, the worse our democracy is functioning, right?

24 MS. ADKISON: Absolutely.

25 UNIDENTIFIED SPEAKER: And in some -- in



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1 some places, like Venezuela, only some people are  
2 allowed to vote. The young man from China talked about  
3 how only party operatives in China really control  
4 elections. But this is Texas and this is America, and  
5 my view as a member of the elections committee is, yes,  
6 I mean, we can discuss security, but let's talk about  
7 the big issue in the room. Do we always consistently  
8 want to be with Louisiana, Mississippi in terms of the  
9 states that are always bringing up the rear in terms of  
10 turnout or do we want to be upfront? Do we want Texas  
11 to lead? And some of your testimony caused me to think  
12 about that again and think, you know, let's focus on the  
13 big issue, the big issue of making Texas a leader in  
14 voter participation.

15 MS. ADKISON: We all want fair elections,  
16 but we need to encourage participation, and I'm here to  
17 tell you that -- that as this bill is written, it will  
18 further diminish that participation in east Texas, I can  
19 tell you. I'm out there everyday.

20 CHAIRMAN SMITH: Thanks for your  
21 testimony.

22 MS. ADKISON: You're welcome.

23 CHAIRMAN SMITH: Thank you. At this time  
24 the chair calls Virginia Townsend. You all are on a  
25 roll.



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1 MS. TOWNSEND: Good evening.

2 CHAIRMAN SMITH: You're here testifying --  
3 it says you're speaking on behalf of a caring citizen.  
4 I assume you are that caring citizen?

5 MS. TOWNSEND: I am the caring citizen.

6 CHAIRMAN SMITH: And that you are  
7 testifying in favor of Senate Bill 362; is that correct?

8 MS. TOWNSEND: Yes, sir.

9 CHAIRMAN SMITH: Please state your name.

10 MS. TOWNSEND: I'm Virginia Townsend,  
11 citizen of Hidalgo County where I've lived all my life  
12 and don't want to live anywhere else. I also am a  
13 lifelong Democrat, but I'm a conservative Democrat which  
14 kind of leaves me with no party right now. I served on  
15 a school board for nine years. I've been a poll  
16 watcher, I've been a clerk and I've been a judge. And I  
17 can tell you people who come in to vote who care,  
18 whether they are the poor people or they are the elderly  
19 people, when they are there and they are serious about  
20 voting, they come prepared and they're very happy about  
21 it. They're always enthusiastic, especially this last  
22 election, and everybody came and they had ID and very  
23 few did not, and I can tell you that the only ones that  
24 may have gotten offended are the ones who are hauled in  
25 in vans or cars and told how to vote, and they're not



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1 sure exactly what they're doing. Those people may get a  
2 little bit offended of having to have another -- or  
3 having to have a picture ID. Otherwise, I'm not buying  
4 this that people are going to be offended or that it's  
5 going to be something that's going to turn them away. I  
6 don't believe it, at least not in my experience in south  
7 Texas.

8 Now, there was 14 people here that were  
9 ready to tell you they live it day by day and then  
10 turned away because they were afraid they were going to  
11 hurt their case. That's fine because I'm sure they want  
12 to do what the Attorney General wants them to do, but  
13 those are the faces of the people who are living day by  
14 day with voter fraud and they could have told you  
15 unbelievable stories, but they -- there was a chilling  
16 effect to say no, you better not. So they did. They  
17 went home. But they were here ready.

18 I can tell you this is -- this is not  
19 something -- as everybody is coming up and saying, there  
20 isn't one case -- Well, the only reason there isn't one  
21 conviction because no district attorneys have the guts  
22 to do it. Other than that, there is enough evidence.  
23 It's just -- It's a political thing, and I'm so  
24 disappointed to see it's between Democrats and  
25 Republicans. I'm just -- It has been a disappointment



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1 for me to sit here in these hearings because it becomes  
2 partisan, and I don't think that's right, and I think  
3 it's getting away from the issue to make it partisan.  
4 The issue is to make our voting more secure, so why  
5 isn't there participation in Texas? Are you kidding?  
6 What do people tell you? They tell me they do not  
7 trust. Thank you.

8 CHAIRMAN SMITH: Okay. And I think it's  
9 clear that and I think we've even had witnesses on the  
10 opposite side of this issue agree that the absence of  
11 prosecution does not equate to the answer of crime.  
12 Okay? And, therefore, I'm interested in hearing what  
13 you have seen. You've testified with great conviction  
14 that it occurs though it isn't prosecuted. What --

15 MS. TOWNSEND: No. That is not something  
16 I have seen because as a judge or a clerk, I have seen  
17 people come in and do the process correctly.

18 CHAIRMAN SMITH: Okay.

19 MS. TOWNSEND: But I've talked to and  
20 heard from the people who are down by the border who  
21 live right next to Mexico who definitely have a problem.

22 CHAIRMAN SMITH: Okay.

23 MS. TOWNSEND: And I've listened to them  
24 when nobody else would listen. We listened because we  
25 felt sorry for them because they couldn't get anyone to



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